

By Mr. PIERCE: A bill (H. A. 8889) to amend an act entitled "An act to establish a Civilian Conservation Corps, and for other purposes" approved June 28, 1937 (50 Stat. 319); to the Committee on Labor.

By Mr. PATMAN: A bill (H. R. 8890) relating to the ownership of preferred stock, common stock, capital notes, and debentures of banks the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 8891) relating to the publication in places where branch banks are operated of statements of resources and liabilities of banks, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. RAMSEY: A bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States, pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America, and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 8893) to amend the act approved June 28, 1934, to compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War; to the Committee on World War Veterans' Legislation.

By Mr. EICHER: A bill (H. R. 8894) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce; to foster, regulate, and promote interstate and foreign commerce in the major agricultural commodities, to provide for the orderly marketing of such commodities, and the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture.

By Mr. HARRINGTON: Resolution (H. Res. 398) to authorize the submission to Congress of a comprehensive plan for the construction of an impounding dam at or near Gavins Point on the Missouri River, near Yankton, S. Dak., and the establishment of an irrigation district below said dam, and the development of hydroelectric power and as a further aid in the control of floods, the return of subsoil moisture, navigation, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. SMITH of Oklahoma: Resolution (H. Res. 399) for the relief of Lora Hill; to the Committee on Appropriations.

By Mr. HAMILTON: Joint resolution (H. J. Res. 557) to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALLECK: A bill (H. R. 8895) granting a pension to Mabelle Birch Wallis; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 8896) for the relief of the Board of County Commissioners of Brevard County, Fla.; to the Committee on Claims.

By Mr. MILLS: A bill (H. R. 8897) for the relief of the Ouachita National Bank, of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.; to the Committee on Claims.

By Mr. O'BRIEN of Illinois: A bill (H. R. 8898) for the relief of Quirino G. Polanco; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN of Michigan: A bill (H. R. 8899) granting an increase of pension to Ruth A. Martin; to the Committee on Pensions.

By Mr. SHANLEY: A bill (H. R. 8900) to place Edwin H. Brainard on the retired list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. TABER: A bill (H. R. 8901) granting an increase of pension to Frances K. Knoblock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8902) granting an increase of pension to Nettie M. Barker; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 8903) for the relief of Frederick Rush; to the Committee on Military Affairs.

Also, a bill (H. R. 8904) for the relief of Barney Boyle; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3755. By Mr. LUTHER A. JOHNSON: Memorial of J. E. McDonald, commissioner of agriculture of the State of Texas, Austin, Tex., favoring Senate bill 2215, to extend section 75 of the Bankruptcy Act relating to the farm-mortgage moratorium; to the Committee on Banking and Currency.

3756. By Mr. THOMASON of Texas: Petition of the Women's Missionary Society of the Fort Stockton, Tex., Methodist Church, advocating passage of an amendment to provide for national referendum regarding declaration of war; to the Committee on Foreign Affairs.

3757. By Mr. SHAFER of Michigan: Petition of 10 citizens of Kalamazoo, Mich., favoring an amendment to article XXII of the Constitution of the United States; to the Committee on the Judiciary.

3758. By Mr. ASHBROOK: Resolution of the American Peace Movement, Inc., urging the adoption of House Joint Resolution 553, proposing an amendment to the Constitution relating to the power of Congress to declare war; to the Committee on the Judiciary.

3759. Also, petition of 40 residents of Richland County, Ohio, and adjoining county, favoring the Ludlow war referendum; to the Committee on the Judiciary.

3760. By Mr. THURSTON: Petition of residents of Lucas and Wayne Counties, Iowa, requesting the enactment of House bill 4797, to provide for grants to the States for assistance to needy incapacitated adult persons; to the Committee on Ways and Means.

3761. By Mr. ASHBROOK: Petition of 57 citizens of Coshocton, Ohio, urging passage of Ludlow war referendum resolution; to the Committee on the Judiciary.

3762. Also, petition of 55 citizens of Richland County, Ohio, favoring the Ludlow referendum; to the Committee on the Judiciary.

3763. Also, petition of 14 citizens of Coshocton, Ohio, urging passage of the Ludlow war referendum resolution; to the Committee on the Judiciary.

3764. Also, petition of 38 citizens of Danville, Ohio, favoring the Ludlow war referendum; to the Committee on the Judiciary.

## SENATE

TUESDAY, JANUARY 11, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 10, 1938, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

#### SENATOR FROM ALABAMA

Mr. BARKLEY. Mr. President, I understand that the newly designated Senator from Alabama is present and desires to take the oath.

Mr. BANKHEAD. Mr. President, Hon. LISTER HILL, who has been appointed Senator from Alabama, is present and ready to take the oath of office. I request that he be sworn in at this time.

The VICE PRESIDENT. If the Senator-designate will advance to the desk, the oath will be administered.

Mr. HILL, escorted by Mr. BANKHEAD, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

#### CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call in order that a quorum may be secured.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

|              |                 |                |               |
|--------------|-----------------|----------------|---------------|
| Adams        | Connally        | Johnson, Colo. | Pittman       |
| Andrews      | Copeland        | King           | Pope          |
| Ashurst      | Davis           | La Follette    | Radcliffe     |
| Austin       | Dieterich       | Lewis          | Reynolds      |
| Bailey       | Donahey         | Lodge          | Russell       |
| Bankhead     | Duffy           | Logan          | Schwartz      |
| Barkley      | Ellender        | Loneragan      | Schwellenbach |
| Berry        | Frazier         | Lundeen        | Sheppard      |
| Bilbo        | George          | McAdoo         | Shipstead     |
| Bone         | Gerry           | McCarran       | Smith         |
| Borah        | Gibson          | McGill         | Steiwer       |
| Bridges      | Gillette        | McKellar       | Thomas, Okla. |
| Brown, Mich. | Glass           | McNary         | Thomas, Utah  |
| Brown, N. H. | Guffey          | Maloney        | Truman        |
| Bulkley      | Hale            | Miller         | Tydings       |
| Bulow        | Harrison        | Minton         | Vandenberg    |
| Burke        | Hatch           | Moore          | Van Nuys      |
| Byrd         | Hayden          | Murray         | Wagner        |
| Byrnes       | Herring         | Neely          | Walsh         |
| Capper       | Hill            | Norris         | Wheeler       |
| Caraway      | Hitchcock       | O'Mahoney      |               |
| Chavez       | Holt            | Overton        |               |
| Clark        | Johnson, Calif. | Pepper         |               |

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent because of illness.

The Senator from Oklahoma [Mr. LEE] is detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5871) for the relief of Ralph B. Sessoms.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5871) for the relief of Ralph B. Sessoms, and it was signed by the Vice President.

#### ANNUAL REPORT OF THE FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, together with additional activities to December 1937, which, with the accompanying report, was referred to the Committee on Commerce.

#### PETITIONS

The VICE PRESIDENT laid before the Senate a letter from Kirchner & Renich, of Minneapolis, Minn., expressing their views on the cause of unemployment, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Columbus and Franklin County Council of Parent Teacher Associations, Columbus, Ohio, favoring the enactment of legislation in behalf of permanent peace, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the board of supervisors of Contra Costa County, Calif., favoring the enactment of the bill (H. R. 4199) to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful em-

ployment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from the Independent Voters League, of Texarkana, Tex., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 3212) to establish the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3213) to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended; to the Committee on Commerce.

A bill (S. 3214) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Irrigation and Reclamation.

By Mr. AUSTIN:

A bill (S. 3215) for the relief of Griffith L. Owens; to the Committee on Claims.

By Mr. KING:

A bill (S. 3216) relating to certain entries for stock-raising homesteads; to the Committee on Public Lands and Surveys.

By Mr. REYNOLDS:

A bill (S. 3217) for the relief of John Quincy Adams; to the Committee on Claims.

By Mr. BULKLEY:

A joint resolution (S. J. Res. 244) authorizing the Secretary of War to construct a dam for the storing of water for recreational and conservational purposes in Cowan Creek Valley, Clinton County, Ohio; to the Committee on Commerce.

#### PREVENTION OF AND PUNISHMENT FOR LYNCHING—AMENDMENT

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table and to be printed.

JACKSON DAY DINNER ADDRESS BY SENATOR LONERGAN AT NEW HAVEN, CONN.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator LONERGAN at the Jackson Day dinner, New Haven, Conn., January 8, 1938, which appears in the Appendix.]

#### FEED AMERICANS FIRST—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by him over the Mutual Broadcasting Network on Monday, January 10, 1938, on the subject Feed Americans First, which appears in the Appendix.]

ADDRESS BY HON. HENRY A. WALLACE AT JACKSON DAY DINNER, DES MOINES, IOWA

[Mr. HERRING asked and obtained leave to have printed in the RECORD an address delivered by Hon. Henry A. Wallace, Secretary of Agriculture, at the Jackson Day dinner held in Des Moines, Iowa, on the evening of January 8, 1938, which appears in the Appendix.]

## DEMOCRACY AT WORK—ADDRESS BY JAMES W. MORRIS

[Mr. HARRISON asked and obtained leave to have printed in the RECORD an address delivered by James W. Morris, Assistant Attorney General, at the Jackson Day banquet, Concord, N. H., January 8, 1938, which appears in the Appendix.]

## THE LIQUOR TRAFFIC

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD a letter from the American Business Men's Research Foundation, addressed to the President of the United States and the Members of the Congress of the United States, relative to the liquor situation, also a memorandum from the same organization as to the record of the legalized liquor traffic from 1933 to 1937, and also correspondence with the Federal Government of Mexico in regard to the official program of alcohol education, which appear in the Appendix.]

## SEPARATION OF PHILIPPINE ISLANDS FROM THE UNITED STATES

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an editorial appearing in the American Chamber of Commerce Journal of Manila, P. I., relative to the separation of the Philippine Islands from the United States, which appears in the Appendix.]

## PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Georgia [Mr. RUSSELL] had the floor. The Chair understands, however, that the Senator from Georgia desires to yield to the Senator from South Carolina [Mr. BYRNES].

Mr. RUSSELL. Mr. President, yesterday afternoon I gave notice that I desired to take the floor this morning. It has developed that the Senator from South Carolina, who is in charge of very important business of this body, finds it more convenient to address himself to the pending measure at this time than at some later date. I will, therefore, defer my remarks until the conclusion of the remarks of the Senator from South Carolina.

Mr. BYRNES. Mr. President, lynching is murder. The fact that the murder is committed by a mob does not lessen the offense, it only aggravates it. Murder is punishable by the laws of every State in the Union. In many of the States the penalty is death. The only justification, therefore, for this bill must be that the States of the Union have not enforced, to the satisfaction of the authors of the bill, the law against persons guilty of murder. These authors want the Federal Government to do that which they believe certain States have failed to do.

The purpose of this bill, as declared in its title, is "to punish the crime of lynching." Its title should be, "A bill to arouse ill-feeling between sections, inspire race hatred in the South, and destroy the Democratic Party."

That there is no justification for the bill is evident from the statistics often quoted, that out of more than 130,000,000 people in this country, only 8 were lynched during the year 1937. There is nothing of which the people of this Nation can more justly be proud than the fact that since 1883, when there were 238 lynchings, there has been a steady decline in the number of lynchings for each 10-year period until 1937, when only 8 men died at the hands of mobs. It is my hope and the hope of every good man in the South that soon the day will come when not a single murder of this kind will occur in the United States.

The year 1883 is the first for which we have statistics as to the crime of lynching. At that time 40 percent of the victims of lynching were white persons, 60 percent Negroes. Most of the cases in which white persons were lynched occurred in the West. The lynching of Negroes occurred in the South. In order to understand lynchings in the South one has to recall the conditions existing in the Southern States following the War between the States. The recon-

struction period came to an end in 1876. Its evil effects, however, lived for years thereafter. I think I understand how the South came to suffer during that period. I remember that at the close of the World War every soldier across the seas who had a home or a business to which he desired to return was pleading for immediate discharge. It caused me to believe that at the close of the War between the States the same thing had occurred. After being away from home and business for 4 years, every good man in the Union Army desired immediate discharge. Those who voluntarily remained in the South were, as a general rule, the men who cared little for home and little for business.

The Government, in its well-intentioned efforts to aid the Negro, had placed the ballot in his hands. The adventurers who remained in the South led these Negroes just released from slavery, with no experience in self-government, in directing the governments of the Southern States. The liberated slaves were given not only liberty but license. Under corrupt governments, with dishonest and unscrupulous judges and jurors, the property of the people was confiscated, white men were killed, and white women outraged.

In those days we did not have the means of communication now at hand. When the people of the South complained of the outrages that were being perpetrated by the carpetbaggers and scalawags then misleading the freed slaves, the soldiers of the North learned of it only through a partisan press. I can well understand that they believed the complaints to be untrue, and I can understand how they concluded that the people of the South were poor losers and were still disloyal to the Government of the United States. Today they know that those complaints were justified; and no man of the North who has ever investigated the happenings of the reconstruction days in the South offers any justification for it.

When the first statistics of lynchings were compiled, lynching occurred in the South because the victim of the mob had committed the crime of rape. In recent years in some cases that has not been the cause of lynching. It was inevitable that once men took the law into their own hands to punish the violator of one law, other men would resort to lynching for other causes.

Men may not agree upon all the factors contributing to the remarkable improvement in the decreased number of lynchings. However, they will agree that one factor was the certainty of punishment bringing fear to the hearts of the criminal Negro; and all will agree that an even greater factor has been the action of the law-abiding people of the South, patiently educating the citizenship that the commission of one crime did not justify the commission of another, and consistently upholding and supporting courageous officers of the law who protected prisoners. Pulpit and press have done more to stamp out lynching than all the laws that have been enacted in Southern States to prevent it.

The South is proud of its record in preventing this crime. It makes it all the more difficult for the South to understand why at this time the Congress should seek to enact legislation based solely upon the idea that it has not only failed but refused to enforce its own laws; that its people are incapable of electing honest and courageous officers; that they can be driven into enforcement of the law only by the threat of being sent to jail or being fined by the Government of the United States.

If the Federal Government is determined to destroy the sovereignty of the States and assume control of the police powers within the States, why should its power be limited to the one crime which has decreased, and not be extended to cover the crimes which have increased?

Take the crime of rape, to which I have referred as being the cause of lynching in the majority of cases: The Second Quarterly Bulletin issued in 1937 by Hon. J. Edgar Hoover, of the United States Department of Justice, sets forth statistics of crimes occurring in cities having a population of over one hundred thousand. It gives the figures for the first 6 months of each year from 1931 to 1937. It shows that for the first 6 months of 1931, in cities of over one

hundred thousand, rape occurred in 568 cases, and that the number of cases had increased each year until in the first 6 months of 1937 there were 891 cases. He states further that the daily average of cases for the first 6 months of 1937 was 4.9. That means that each day during the 6 months there were five cases of rape in the 67 cities which have a total population of 19,000,000. If the same ratio should prevail in the other cities and in the rural districts of the country, it would mean that in the first 6 months of last year there were more than 5,000 cases of rape in the country. For the entire year it would be 10,000 cases.

In this terrible record of increase in so heinous a crime, the authors of this bill see no justification for the Federal Government enforcing the law; but when eight men are lynched in the entire year of 1937, the Congress must enact law to have the Government punish the duly elected officers of the State, and make the counties liable in damages.

The authors of this bill may say there is a difference in the offense. There is. In the case of rape, the victim is innocent. In the case of lynching, the victim is a criminal, or at least suspected of being a criminal. The proponents of this bill want the United States Government to protect the savage criminal, but deem it unnecessary for the United States Government to protect the innocent girls of the Nation!

Is the passage of this bill justified because of the inability of State governments to arrest and convict those guilty of the crime of lynching? I do not want to cite the record of crimes in other States; but, if anyone is interested in the record, I ask him to read the reports compiled by Mr. Hoover, of the Department of Justice, showing the lack of enforcement of the laws against rape in many of the States of the Union. Because this bill seeks to give to the United States Government the power to prevent lynchings within the States, it is fair to ask whether the record of the United States Government in the enforcement of the law against kidnaping justifies the belief that more offenders would be arrested; and one cannot forget the record of the United States courts in the enforcement of the prohibition law.

I discuss only the question whether or not we can look with any great hope to the United States Government more effectively to enforce this law. The Senator from Idaho the other day most ably and eloquently discussed this question. Does the record as it stands justify the belief that more offenders of the crime against lynching would be arrested by the United States Government within the States? Can one forget the record of the United States Government in the enforcement of the prohibition law? That record is fresh in the mind of each of us.

In the enforcement of the prohibition law the United States Government had the cooperation of State officials. In every State there was a majority, or at least a strong minority, in favor of the enforcement of the national prohibition law. Notwithstanding that, we found State officials becoming indifferent as to the prosecution of offenders for violation of State laws; and the lack of enforcement of the Volstead Act finally resulted in the successful fight for repeal.

Another factor that has contributed to reducing lynchings in the South is the fact that there has been fewer assaults by Negroes on white women. That, in turn, has been due to the moral improvement of the Southern Negroes. The development of the race in this respect is due to the cooperation of the white people of the South. The South is proud of what it has done to educate the Negro. The Negro problem is our problem; but the problem was forced upon us. The Negro was brought to the South by the slave traders of the North. The slaves were freed by the North and given citizenship without giving the slightest thought to their capacity for citizenship. Notwithstanding the deplorable conditions existing in the Southern States following the war, and particularly following the days of reconstruction, the white people of the South have recognized that they must furnish the opportunities of education to the Negro in their midst.

The record in South Carolina is typical of the entire South. I have before me the figures for 1934 showing that

the average number of days that school was attended by white children was 137. The average number of days of school attendance by Negro children was 129. The enrollment of the schools in South Carolina was 257,870 white children and 228,842 Negro children. The ratio of enrolled school children to population between 5 and 17 years of age was 82.4 white children and 79.5 Negro children.

It is this education and the patient, persevering efforts of the leaders of the Negro race, as well as the leaders of the white race, that have resulted in the moral improvement of the Negro, reflected in the reduction of attacks which have been the cause of lynchings in the South.

The economic development of the Negro has been encouraged in every possible way by his southern neighbors. The number of Negro property owners in the South will greatly exceed the number of property owners in other sections. In the courts of the South the Negro has always been fairly treated.

I remember some years ago that Booker T. Washington was making a speech in the city of Brooklyn. To my mind, he was the greatest leader his race has ever produced. Preceding Washington, a white man in public life made a speech. In order to elicit applause from the Negro audience he stated that in the courts of the South the Negro did not receive justice. Following him, Booker Washington stated that he could not let the statement pass unchallenged; that in his opinion the Negro always received justice in the courts of the South, and the only complaint he had was that sometimes the white men did not.

In my opinion, Booker Washington's statement was accurate. In a long experience, first as court reporter, then as prosecuting attorney, and as a practicing lawyer, I have never known a case where a Negro defendant in a court, even where the race question was involved, was not justly treated. The average jury of white men in the southern courts have two yardsticks by which to measure a defendant. One yardstick applies to the white defendant. The question is solely as to his guilt or his innocence. An entirely different yardstick is applied by a jury of southern white men to a Negro defendant. Having served as prosecuting attorney, I know the difference. I know that often when a jury retired to the jury room some juror would be heard to argue, and we would hear the argument, that the Negro should not be held to the same accountability as a white man; that he lacked the education and the moral training; that for him some allowance should be made; that even if there were doubt as to his guilt, it would be better to send him back to his work rather than to convict him and place him by the side of criminals; that he would make a better citizen if given another chance; that he would sustain sufficient punishment in having to employ lawyers to present his defense. These and other similar pleas prevailed too often and defendants were acquitted.

I know that in my own experience as a prosecuting attorney whenever there came into my hands a case against a white man for the murder of a Negro I found myself giving more time and more energy to the prosecution of the defendant than in other cases. I have no apology to make for it; I knew the latent prejudice in the hearts of men. I did not want even a suspicion justified as to indifference in prosecution.

On one occasion, in submitting a case to a jury in the county which had possibly the worst reputation for lack of enforcement of the criminal laws, I remember stating to the jury that if they found the white defendant not guilty because of the fact that he was a white man, if they were willing to violate their oaths, they ought at least to have the courage to write in pencil beneath the verdict, "Because he killed a Negro." I made that plea in the hope that if on the jury there was a man who entertained such a prejudice he would be shamed into taking a different course. I rejoice to say that in that case there was not an acquittal.

In the county in which I reside white men have often been convicted either of murder or assault and battery upon Negroes. In cases where property rights are involved there is not a man familiar with the courts of the South who will not say that the Negro receives justice.

Mr. President, even if the pending measure were constitutional, even if it were wise, it would be ineffective if enacted. Years ago the State of South Carolina, in its effort to prevent lynchings, enacted a law making a county in which a lynching occurred liable to the estate of the victim. That was written into the constitution of South Carolina in 1895. It was part of the campaign on the part of the leaders of the white men in the South to stamp out lynching. But we found, as men have always found, that public sentiment is necessary for the enforcement of any law. What was the record in our State as a result of the efforts, sought to be revived in the pending bill, to hold the taxpayers of a county liable where a lynching occurred?

Pursuant to the constitution of 1895 a statute was enacted in 1896. State-wide publicity was given to the action of the constitutional convention and the legislature. In the early part of 1898 a suit was brought under the statute and a fine was actually paid by the county. A verdict for the plaintiff was directed by the court. Instead of the number of offenses being reduced, the number of lynchings in the following year increased, so that instead of being 4, as in 1896, South Carolina had in 1898 14 lynchings, the largest number ever recorded in the history of the State.

Thereafter no suit was brought for a number of years. Lynchings were reduced in number. In 1915 another suit was brought, and again a fine was paid. The only result was that in 1916 there was an increase in lynchings from one to two.

In 1920 another suit was brought. A fine of \$2,000 was paid, and the following year lynchings increased from one to five.

Again, in 1924, there was a lynching, the fine was paid, and in 1925 there were no lynchings, but in 1926 there were three. In most of these cases verdicts were directed by the court.

In 1930, however, the supreme court of the State held that the question of whether the facts of a case constituted a lynching should be determined by the jury. The jury in the case, after the facts had been placed before it, decided that the crime was a murder and not a lynching. This followed in 1931 by a decision of the supreme court that it could not by mandamus compel county officers to levy a tax they were unauthorized by legislation to levy in order to pay a judgment against a county, but could compel county officials to include the amount in an estimate of the amount necessary to meet county expenses. The effect of the decision was to prevent the payment of the judgment.

If the bringing of such suits had previously resulted in deterring lynchings, these decisions of the courts should have offered encouragement to them. They should have resulted in an increase in the number of lynchings; but the fact is that in the year following there were no lynchings, and none the following year. It is a matter of gratification that from 1934 to this date there have been no lynchings in the State of South Carolina.

The enactment of the pending measure would do the greatest possible injury to the very people whom its authors declare they want to help. The records show that last year approximately 50 lynchings were prevented. Today in all the South there is not a man holding the office of Governor who does not cherish as his ambition that during his administration there shall be no lynching within his State. To achieve this, the officers of the law are on the alert at all times. If there is even a suspicion that a criminal is in danger he is taken to the State penitentiary for safekeeping. How will these Governors feel if the Congress of the United States, by enacting the pending bill, declares to the world that they are either incapable or unwilling to enforce the laws of their States? Disappointed and disgusted, they would be less than human if they did not say to the Federal Government, "If you assume the responsibility of enforcing this law, then protect these criminals." Every man knows what would be the result. We saw it in the attempt to enforce the prohibition law, where the constitutional amendment was ratified by the States themselves. This action would be attempted in defiance of the States and in a flagrant effort to degrade and humiliate them.

What about the sheriffs? Throughout the South many of them have not only sacrificed their political lives but they have gone to their graves defending Negro criminals against the attacks of mobs. By their heroism and courage they have succeeded in stamping out lynching. Is the Congress now to reward their sacrifices by humiliating them and the States they serve?

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. On the point just made by the Senator, I call his attention to the fact that he has on his desk data showing that in 1937 in 56 cases officers protected, sometimes at the risk of their own lives, those charged with offenses, and prevented lynchings, whereas there were only 8 actual lynchings in the entire United States. Fifty-six times the officers of the law prevented lynchings.

Mr. BYRNES. Mr. President, every man who lives in the South is familiar with such cases. I recall that in the county in which I once resided the sheriff, who was my dearest friend, in attempting to arrest a Negro bootlegger, was killed, and the throat of his deputy was cut so that he was in danger of death. That deputy time after time had gone into danger, aiding Sheriff Howard, of Aiken County, in enforcing the law. He saw his friend, his chief, dead. When a mob sought to lynch the Negro, it was the plea of the deputy sheriff, with blood flowing from his neck, that caused those men, whose passions were aroused, to refrain from lynching the Negro prisoner.

The case had a tragic ending. The Negroes involved were taken to the penitentiary for safe keeping. When they were placed on trial, attorneys were appointed to defend them. Then the National Association for the Advancement of Colored People intervened and employed counsel who were not residents of the county to come into the county to defend the Negroes who were on trial. As a result there occurred something that caused the good people of that county to hang their heads in shame. The Negroes were taken from the officers and were lynched. It was the last lynching that occurred in this county. The responsibility for it can be placed at the door of these nonresidents, these people in New York who intervened, and who caused men to do that which they had refused to do in answer to the plea of the deputy sheriff in the presence of his dead chief.

Mr. President, a law enacted by the Congress cannot be enforced where the people of a State believe they are being unjustly treated. Last Saturday the Governor of South Carolina announced that if this bill should be enacted never again would he order out the National Guard, that he would leave it to the United States Government to protect any defendant threatened. That statement was carried in the newspapers of Sunday. Other Governors will feel the same way. Today our Governor has one man in the penitentiary for safekeeping. During his term there has been no lynching, and he is proud of it and the people of our State are proud of it.

When the Congress of the United States rewards the efforts of the chief executives of sovereign States by indicating lack of confidence in them through the enactment of such a measure as that before us, what will occur? Would anyone hesitate to say it would be lack of due diligence on the part of a Governor not to order out the National Guard? The Governors have been ordering out the National Guard when circumstances seemed to warrant it. Under the terms of the pending bill the officers of a State charged with the enforcement of the law can be prosecuted if they fail to exercise due diligence. If the Governor of a State is charged with failure to enforce the law, is he to be prosecuted? If so, by whom? I visualize the spectacle in my own State. The Governor of South Carolina, because he fails to order out the National Guard in some instance, is charged with lack of due diligence. Who is to prosecute him? I see the United States district attorney in South Carolina prosecuting him. I know what would occur, in all probability. Fearing that

his efforts might be under suspicion by those who are in control of the administration of law at this time, he would ask that a lawyer be assigned from the Department of Justice. That is done in many cases. If he did not do it, I know that if the National Association for the Advancement of Colored People asked that a man be sent to assist the United States district attorney in the prosecution, one would be sent.

I think to complete the picture, if that should ever occur, they ought to send the Negro who is now assistant attorney general.

Mr. President, I know what would happen. Regardless of any views that the people might at that time entertain with regard to their Governor, he would be made a hero if he was prosecuted for a violation of this law. Worse than that—the law-abiding white people who have been responsible for building up public sentiment which has resulted in stamping out this crime, when they turn in resentment and countenance or acquiesce in the failure to enforce this law, their policy will soon influence criminals among the white people of the South.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|              |                 |                |               |
|--------------|-----------------|----------------|---------------|
| Adams        | Connally        | Johnson, Colo. | Pittman       |
| Andrews      | Copeland        | King           | Pope          |
| Ashurst      | Davis           | La Follette    | Radcliffe     |
| Austin       | Dieterich       | Lewis          | Reynolds      |
| Bailey       | Donahay         | Lodge          | Russell       |
| Bankhead     | Duffy           | Logan          | Schwartz      |
| Barkley      | Ellender        | Loneragan      | Schwellenbach |
| Berry        | Frazier         | Lundeen        | Sheppard      |
| Bilbo        | George          | McAdoo         | Shipstead     |
| Bone         | Gerry           | McCarran       | Smith         |
| Borah        | Gibson          | McGill         | Steiwer       |
| Bridges      | Gillette        | McKellar       | Thomas, Okla. |
| Brown, Mich. | Glass           | McNary         | Thomas, Utah  |
| Brown, N. H. | Guffey          | Maloney        | Townsend      |
| Bulkeley     | Hale            | Miller         | Truman        |
| Bulow        | Harrison        | Minton         | Tydings       |
| Burke        | Hatch           | Moore          | Vandenberg    |
| Byrd         | Hayden          | Murray         | Van Nuys      |
| Byrnes       | Herring         | Neely          | Wagner        |
| Capper       | Hill            | Norris         | Walsh         |
| Caraway      | Hitchcock       | O'Mahoney      | Wheeler       |
| Chavez       | Holt            | Overton        |               |
| Clark        | Johnson, Calif. | Pepper         |               |

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, when interrupted I was discussing the effect that efforts to enforce this law would have upon the public sentiment in the State where prosecutions resulted. I can think of nothing worse than a prosecution under this law.

The Governors, the State prosecuting attorneys, or the sheriffs in the State of South Carolina, who have labored to stamp out lynching; who have at times pleaded at the risk of their lives for the preservation of law and order, if prosecuted by the Federal Government, will be found resenting interference by the United States Government in administering the police power of the State. As they denounce this law the criminal white man will be encouraged to violate other laws, and the result of it all will be that the race hatred aroused will bring untold suffering to the unfortunate Negroes of the South who today know nothing of the political activities of the professional Negro politicians of the North, and who, if they could speak to you, would plead to be let alone to work out their salvation with the aid of their white neighbors in the South.

In view of the fact that lynching as a crime has been practically stamped out, no man can seriously argue that the purpose of this legislation is to prevent that crime. That might have been said in 1883; it cannot be said today. No matter how wrong it might have been, it would have been possible to understand the motives of the proponents of such a bill in 1883. We could understand it, too, if it came from

Thaddeus Stevens, who wanted the South treated as a conquered territory. But even Stevens did not attempt this. Not all the blind hatred nor all of the passion of the days succeeding the war induced the political partisans of that day to propose this legislation, notwithstanding the large number of lynchings which then occurred. Now that the crime is no more, a Senator from New York proposes to do what Stevens did not and would not do. I know that Stevens in his attacks upon the South was prompted by motives different from those prompting the Senator from New York. Stevens was prompted by hatred. The Senator from New York is not prompted by hatred. He is prompted by hope—the hope of securing votes from the Negroes of New York City.

No man will deny that this bill is aimed at the South. If the purpose be not to prevent crime, if Senators will agree with me that it will be ineffective, then its purpose must be either to punish the South for what occurred in the past or to promote the political fortunes of some people in public life at present. If the purpose be to punish the South for its past history as to lynching, notwithstanding the fact that this offense has practically disappeared, I ask, Who are these people to be thus punished? Are they aliens? No. In South Carolina less than one-half of 1 percent of the population is foreign born, and the percentage of children of foreign-born parents is not much greater. They live in what Thaddeus Stevens called a conquered territory; but surely they have proved their loyalty to the United States Government.

We claim to possess no superior patriotism, but we assert that the loyalty of the people of the South to the United States Government in the years that have passed justifies us in expecting that at least we shall not be punished or humiliated. After all the ill-feeling engendered during the War between the States and during the days of reconstruction, when some years later the Nation went to war the soldiers of the South followed Joe Wheeler to Cuba, fighting under the flag of the United States. In the World War they again demonstrated their loyalty. They did not wait to be drafted. The county of Union, adjoining the county in which I reside in South Carolina, did not have one man drafted into the Army of the United States in the World War. It did not have one man drafted, because under the system that prevailed a county was given credit for its volunteers, and so many men volunteered before the draft was put into operation that it did not affect a single man in that county.

When the Hindenburg line was broken the National Guard of South Carolina, part of the Thirtieth Division, composed entirely of Southern men, was fighting beside the Twenty-seventh Division, of New York, its National Guard division. Of the first 75 Congressional Medals of Honor awarded to the heroes of the war, 6 were awarded to South Carolinians, and about a dozen in all to the Thirtieth Division, comprised entirely of southern soldiers. I earnestly submit that since the War between the States the people of the South in time of peace as well as war, have so amply demonstrated their loyalty to this country that there can be no excuse for any Congress seeking merely to inflict punishment upon them for the record of lynchings in the past.

Mr. President, if this legislation is proposed not to prevent a crime which has practically disappeared and not to punish the people of the South, then it can have but one purpose, as I stated a moment ago, and that is to promote the political fortunes of some gentlemen in public life today.

Mr. President, this bill was first proposed by Representative Dyer, a Republican Member of the House from Missouri. I desire to recall the history of this proposed legislation. It was considered by the House in December 1921. I was then a Member of that body. The Democrats constituted a small minority of the House of Representatives; but they stood together in opposition to a bill similar to this. They endeavored to filibuster even to the extent of breaking a quorum of the House. I recall the gallant fight made by the small minority to defeat legislation of this kind. Who did it? who conducted the filibuster against it in the House? Among those then in the House of Representatives who voted to prevent the consideration of the bill and who

voted against its passage was the present distinguished Vice President of the United States, Hon. John N. Garner, who now presides over this body. Was he in favor of lynching? Was the Vice President of the United States willing to give countenance to those who were violating the law? No. Garner, of Texas, followed Garrett, of Tennessee, in filibustering against such legislation because he believed first that it was unconstitutional and second that it was unwise.

Who else opposed legislation of this character in 1921? I see the Senator from Texas [Mr. CONNALLY] present. He was among those then serving in the House of Representatives who opposed it. The Senator from Arizona [Mr. HAYDEN], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, also opposed it, and, in addition, among those in the House from the South who opposed and filibustered against its passage was the distinguished Democratic leader of this body, the Senator from Kentucky [Mr. BARKLEY]. Under the leadership of Garrett, Garner, Barkley, Connally, Harrison, Byrnes, and others followed in the effort to filibuster a bill similar to this to death. Under the rules of the House it was not possible to kill it, and the bill came to a vote in January and was passed. The southern Democrats were joined by many men from without the South. Among those who voted against that bill were five Representatives from the State of California. There was one from Idaho, Mr. French. There were two from Maryland, Goldsborough and Linthicum, and Hawes, of Missouri, and Hersey of Maine, who opposed the Dyer bill in 1921.

Mr. CONNALLY. Mr. President, will the Senator yield? Mr. BYRNES. I yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator recall that one of the ablest and most effective speeches made against that bill in 1921 was made by Representative Hersey, of Maine, the State which is now represented in part by our distinguished friend, the senior Senator from Maine [Mr. HALE]? One of the most convincing and strongest speeches against that lynching bill was made by Mr. Hersey, of Maine. I heard it on the floor of the House.

Mr. BYRNES. Mr. President, I well remember that speech, and it was because it came back to my mind that I stopped to emphasize the name. Few of us who ever heard that speech will forget it, and certainly men who live in the South will not forget Mr. Hersey.

Amongst others who voted against the bill who were then in the House of Representatives were Jones, of Pennsylvania; Kelly, of Michigan; Kincheloe, of Kentucky; Thomas, of Kentucky; Rouse, of Kentucky; Cantrell, of Kentucky, or rather he was paired against it; and Barkley, of Kentucky; Luce, of Massachusetts; Parker, of New Jersey; Sinnott, of Oregon; and Stafford, of Wisconsin, who joined with the Democrats in the House of Representatives in an effort to prevent the passage of the bill.

At that time there were not eight lynchings as in 1937. No; in 1921 when the present Vice President of the United States, the Senator from Kentucky [Mr. BARKLEY], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, and others were fighting against the bill, there were 62 lynchings in the United States. There might have been some excuse for talking about the lack of enforcement of law at that time. Did these men oppose the bill because they favored lynching? No. They knew not only that the bill was unconstitutional but they knew it was unwise. They knew that the States of the South should be left to work out their own salvation. They urged that the States of the South be given a chance to enforce their laws.

Mr. President and Members of the Senate, the history of events has demonstrated the wisdom of the course they advocated, for, contrasted with 1921, with its record of 62 lynchings, we had in 1937 only 8 lynchings throughout the country.

Mr. President, that bill came over to the Senate, and when it reached here Oscar W. Underwood was the Democratic leader of this body. He was as distinguished a states-

man, as patriotic an American as ever served in the House or the Senate. He was against this measure, and, with the support of his associates, announced his intention to filibuster against it. The filibuster succeeded; Underwood was followed by the Democrats of this body, and the South was enabled to continue its successful efforts to prevent lynchings.

O, Mr. President, I know now that a different condition exists in this country. In that earlier period, in 1920, and in the years succeeding it, when a bill such as this was offered, it came not from Democrats; it came from Republicans. It was proposed by Dyer, a Republican from Missouri, just as the Force bill in the previous years had come from the Republican side of the Congress. When the Force bill was pending in the Senate it was filibustered to death. The Senators from the South then had the assistance of northern Democrats. In the memorable debate upon the Force bill southern Democrats knew that they could hear the voice of Voorhees, of Indiana, of Turpie, Blodgett, and McPherson, of New Jersey, of Gray, of Delaware, and of others from the border States who joined southern Senators in the long fight, which finally succeeded and enabled the South to work out its own destiny. The assistance of these Democrats from the North was cheerfully given and never forgotten.

The South has ever been loyal to the Democratic Party. It took religious prejudice, which throughout the ages has influenced the thoughts of mankind, to cause the South even to waver in its party loyalty; but, even then, I assert the Democrats of South Carolina proved their loyalty. In 1928 the people of the South were not in favor of the nomination of Al Smith for President. In the first place, the majority of the voters had voted for prohibition. Governor Smith was opposed to prohibition. In addition, there were those who believed that while Governor Smith had an intimate grasp of State affairs, he did not possess sufficient acquaintance with national and international affairs to make him the best possible candidate. There were some who were not favorably impressed by his speeches, and then there were those—too many—who permitted their religious views to influence their political views. Notwithstanding the fact that the delegation from my State had voted against his nomination, once he was nominated the Democrats of South Carolina supported him with the same loyalty and, if anything, greater zeal than they had accorded any previous Presidential candidate. When during the campaign the poison distributors of both parties attacked Governor Smith because of his religious views, it caused the active support of men who never before had taken an active part in politics. The wounds of that campaign remained for a long while, but certainly in South Carolina the Democrats won the support for Smith by recalling that the Democrats of New York City, in particular, had stood by the South in all the fights that had ever been waged to injure the South. Upon every stump there was recalled the defense of Jefferson Davis by the brilliant O'Connor, of New York. While religious prejudice was victorious elsewhere, in South Carolina Governor Smith was given 9 out of every 10 votes cast in the State. Political gratitude was more potent than bigotry and intolerance.

But today what a difference! The greatest change in the political history of America has taken place. In the Senate there are 96 votes, and 76 Senators are registered as Democrats. Proponents of this bill claim 70 votes. I know of two or three Republicans who are disposed to vote against it. I must believe if the poll announced by the advocates of the bill is correct, that 55 out of the 76 Democrats of this body are counted in support of the bill. The lone voice coming from the North thus far in defense of the South and in opposition to this bill is that of the Republican Senator from Idaho [Mr. BORAH].

I would lose respect for the South should the day ever come when southerners fail to remember that speech and be grateful to him for it. I hope other Republicans will be found voting against the bill. But, Mr. President, we

have no claims upon them. If they vote against this bill, they will do it only because they believe the bill to be unconstitutional and unwise.

Democrats of the South have no justification for an appeal to the Republicans of the North. Southern Democrats have never voted for a Republican candidate. They have never learned how to scratch a Democratic ticket. It undoubtedly is true that the unity of the white people in the South in supporting the Democratic Party has been due to the belief that when problems affecting the Negro and the very soul of the South arose, they could depend upon the Democrats of the North to rally to their support.

Mr. President, southern Democrats may as well realize now the change that has taken place. If statements of Democratic Senators on political conditions in their States can be accepted as true, today 90 percent of the Negroes of the North, instead of voting for Republican candidates, are voting for Democratic candidates. The Negro has not only come into the Democratic Party, but the Negro has come into control of the Democratic Party. One Negro, whose name has heretofore been mentioned in the debate—Walter White, secretary of the Association for the Advancement of the Colored People—has ordered this bill to pass. If a majority can bring about a vote, the bill will pass.

On the opening day of the special session of the Congress, when the President submitted his legislative plan for the session, the majority leader of the Senate was anxious to proceed with the President's program. The proponents of this bill would not agree. They insisted upon the consideration of the bill. I know that the majority leader pleaded with them in behalf of the President's program; but the appeal was in vain. The Democratic leader of the Senate abandoned the plan of asking for consideration of the reorganization bill only because he knew that if he made the motion, and the Senator from New York moved as a substitute that the antilynching bill be taken up, the administration would be defeated in the very first vote of the session. Under the circumstances, I think he did the right thing. He had to maintain some control of the majority of this body.

If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside, its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard.

But, Mr. President, we of the South must look to the future. My years of experience in the House and the Senate have taught me the ways of lobbyists. For years this man White has worked for this bill. Now that he has secured the balance of the voting power in so many States, he can order its passage. But, Mr. President, he would be less than human if he were willing to stop there. His job would be at an end. I do not criticize him. He would be doing only what every white lobbyist I have ever known or heard of has done. He must advance to retain his leadership and his compensation.

What legislation will he next demand of the Congress of the United States? I do not know. Will he demand that Congress enact legislation to punish officials of a State who fail to protect Negroes in the right to stop at hotels where white persons are entertained, following the law the Negroes recently had enacted in Pennsylvania? Will he demand the enactment of laws providing for the supervision of elections within the States? I do not know; but I know he will make other demands, and that those who are willing to vote for this bill because he demands it will acquiesce in his subsequent demands.

Mr. President, politically the South has been an outcast. It matters not what attainments a Democrat of the South may possess; since the War between the States no southerner who still resides in the South has had a chance for serious consideration for a Presidential nomination. We have been content to fight the battles of the party as privates in the ranks, without ever daring to seek to lead our party. In every campaign the Democratic candidate has known that he had in the electoral college a block of southern votes

without his ever making a speech in a southern State or spending a dollar for the purpose of organization. The South has been willing to furnish in each political campaign the best of its talent; and, though relatively poor, the South has furnished financial aid to carry on the campaign in the States of the North.

Today, the South may just as well know that because of its policy it cannot appeal to the Republicans of the North, and that it has been deserted by the Democrats of the North. Daily we hear of the influence of the Negro voter in the North. Into that section there have gone many southerners. I wish it were possible that every one of them, wherever he resides today, could read the speech of the distinguished Senator from Idaho [Mr. BORAH]. I hope they will read it; and, when they do, I hope their eyes will turn to the land that gave them birth, that their thoughts will turn to the people they left in that land, and who, if this legislation is passed, will need their help in the days to come. I hope they will remember those in the Senate who today stand by the South, and also remember those who seek to humiliate the white people of the South, and, intentionally or unintentionally, arouse race hatreds in a land where today there is only peace and good will.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HERRING in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

|              |                |          |               |
|--------------|----------------|----------|---------------|
| Andrews      | Duffy          | McNary   | Schwellenbach |
| Berry        | Guffey         | Miller   | Sheppard      |
| Borah        | Harrison       | Moore    | Steinwer      |
| Brown, N. H. | Hatch          | Neely    | Thomas, Okla. |
| Bulkeley     | Hayden         | Norris   | Thomas, Utah  |
| Bulow        | Herring        | Pittman  | Truman        |
| Burke        | Hitchcock      | Pope     | Vandenberg    |
| Byrnes       | Holt           | Reynolds | Wagner        |
| Connally     | Johnson, Colo. | Russell  | Walsh         |
| Dieterich    | Lewis          | Schwartz |               |

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present.

The clerk will call the names of absent Senators.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the Chair announce that there was not a quorum present?

The PRESIDING OFFICER. Yes.

Mr. CONNALLY. Under the rules, there is nothing to be done except to call the names of the absent Senators or adjourn.

Mr. BARKLEY. Mr. President, was the announcement made by the Chair the result of the second roll call?

The PRESIDING OFFICER. The first call.

Mr. BARKLEY. Automatically the clerk will call the roll the second time.

The PRESIDING OFFICER. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and the following Senators entered the Chamber and answered to their names when called: Mr. ADAMS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BARKLEY, Mr. BILBO, Mr. BONE, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BYRD, Mr. CAPPER, Mrs. CARAWAY, Mr. CHAVEZ, Mr. CLARK, Mr. COPELAND, Mr. DONAHAY, Mr. ELLENDER, Mr. FRAZIER, Mr. GEORGE, Mr. GERRY, Mr. GIBSON, Mr. GILLETTE, Mr. GLASS, Mr. HALE, Mr. HILL, Mr. JOHNSON of California, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LOGAN, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCCARRAN, Mr. MCGILL, Mr. MCKELLAR, Mr. MINTON, Mr. MURRAY, Mr. O'MAHONEY, Mr. OVERTON, Mr. PEPPER, Mr. RADCLIFFE, Mr. SHIPSTEAD, Mr. SMITH, Mr. TYDINGS, Mr. VAN NUYS, and Mr. WHEELER.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, there is a quorum present.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. How many Senators are present?

The PRESIDING OFFICER. Eighty-eight.

Mr. CONNALLY. Will the Chair assure the continued presence of these 88 Senators?

The PRESIDING OFFICER. Absolutely. [Laughter.]

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LEWIS] to the amendment of the committee in the nature of a substitute.

Mr. RUSSELL. Mr. President, when the historian of the future comes to study this period a hundred years from now he will be bewildered and confused by the sorry page which is being written here today. He will find page upon page of the great metropolitan dailies thundering from both editorial and news columns the strident demand that the Congress forthwith and without debate enact an antilynching law to punish the crime of lynching. He will find that radio commentators and dozens of periodicals join the press in bitter denunciation and abuse, if not defamation, of those who have had the temerity on the floor of this body to resist the passage of the pending measure. He will find page upon page of the CONGRESSIONAL RECORD devoted to the remarks on this bill of those of us who play our brief part on this stage.

I am sure, Mr. President, that that student will conceive that at the time this measure was pending there was some great wave of crime in the form of lynchings sweeping over this country, threatening the lives and happiness of the people of the United States, so serious as to demand that the Congress of the United States, in this very critical period of reconstruction after a great depression, should shove into the background every measure dealing with the economic problems of the Nation, every measure dealing with the future advancement and progress of the Nation, and attempt to legislate to stamp out the awful crime of lynching, which no one condones and approves, and all clear-thinking citizens condemn.

Then, Mr. President, if that student should turn to study the annals of crime at this period, his bewilderment would know no bounds. He would find that the Congress of the United States saw fit to stall the wheels of legislation in an attempt to address itself to a bill which does not purport to cover but 8 of the 12,000 murders which are committed in this country each year. Murder in any form is abhorrent. It will be in the United States a hundred years from now as it is today. But it would be impossible for the unbiased mind of the student to conceive of any rhyme or reason for the Congress seeking to cull out and single out 8 of the 12,000 murders and make them the subject of national legislation.

Mr. President, if this student should then go to the trouble of reading this indefensible monstrosity, which is presented here masquerading as a bill to punish the crime of lynching, his confusion would become worse confounded. He could study this bill line by line, phrase by phrase, paragraph by paragraph, page by page; he could examine it topside and bottom, and he would not find one single word or phrase which attempted to provide for the punishment of those who band themselves together to commit a crime of violence or to deprive any person of his life.

Ah, Mr. President, there has been some misrepresentation about the terms of the bill. Thousands of good citizens of this country, good people living both North and South, have been led to sympathize with this measure on the theory and on the representation, implied, at least, that it is a bill which seeks to punish an abhorrent form of murder. The report has been spread throughout the country that under the bill the great machinery and power of the Federal Government will be set in motion to punish those who are guilty of banding themselves together for the purpose of taking human life without due process of law.

In the imagination of some people—and this has been asserted in some of the newspapers—they have seen the G-men, the representatives of the Federal Bureau of Investigation, going into the various communities of the Union with all of their skill and daring, uncovering the perpetrators of the crime, and bringing to justice the members of what are called lynching mobs. Whether through ignorance or deliberate attempt at unfairness I do not know, but the press and the professional agitators for this measure have never

been fair enough to make it clear to the people of the United States that if the bill should be passed, and if it should become a law, not one single member of a mob guilty of murder in the form that is commonly called lynching can ever be haled before a Federal court and punished for his crime.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator recalls that neither the authors of this bill nor anyone who is in favor of it has ever explained its provisions even to the Senate, and not a single soul has risen in this body to defend it up to this hour.

Mr. RUSSELL. The Senator from Tennessee is eminently correct. It is the most amazing performance that these Halls have ever witnessed. Here is a measure brought into the Senate, and it is proposed to ram it through in the spirit of the mob merely because its proponents say they have the force and the votes to pass it, without the authors of the bill taking the floor to defend its constitutionality or to point out any pressing necessity for the putting away of other legislation, humanitarian and economic, in order to deal with this bill.

Mr. President, it is an amazing proposition. The authors of the bill have confined their remarks to a few brief statements without attempting to justify the presentation, much less the passage, of this piece of legislation.

If this bill clearly in all of its terms were exposed to all the people of the United States by those who have the prestige and power here to make themselves heard in the press throughout the length and breadth of the United States, such as the able Senator from New York [Mr. WAGNER], then, my fellow Senators, all would not be moonlight and roses and sweet music for the authors of this bill. If the people of this country understood just what this bill does and how it proposes to operate it would find scant sympathy anywhere.

It is called a bill to punish the crime of lynching. There is inserted in the caption of the bill the false premise that it is a bill to punish for the crime of lynching, and yet there is not within the terms of the measure a single phrase or clause or provision that attempts to carry out the words of this caption.

No, Mr. President, this is not a bill to punish the crime of lynching. This is a lynch bill. It is a bill to lynch the last remaining evidence of State's rights and sovereignty, a bill to financially lynch the innocent as well as any who might be guilty if they happened perchance to reside in a community where this unfortunate crime occurs, even though the innocent may be more strongly opposed to crimes of violence than the authors of this bill and all of the organizations that are pressing this measure here today. Yet it is called a bill to punish the crime of lynching.

Mr. President, a person might take a dead polecat or skunk and dress it up here in all kinds of fancy trimmings. He might wrap him up in fancy paper and put a big sign on him saying in clear letters, "This is hickory smoke cured ham," but the fact would remain that the package would contain a skunk just the same. He might get every professional agitator in this country to point to the label and say, "There is hickory smoke cured ham." He might have the press in this country write articles saying, "That is hickory smoke cured ham," but when he went into it, it would just be plain skunk meat. It would not be hickory smoke cured ham at all, and all the statements in the world would not make it ham.

To call this bill an antilynching bill, a bill to punish the crime of lynching, to go before the country and call this a bill to punish lynching is nothing short of deception. It is almost a fraud on the people of the United States, and it is worse than that to hold out to them that under the terms of this bill you will be able to send the investigators of the Federal Bureau of Investigation—the G-men—into the various communities of the State and to arrest and punish the members of a mob who might be guilty of this horrible crime of lynching.

Mr. President, if this bill went into effect and a lynching should occur over here in the State of Maryland, the members of that mob might come down here to Washington and

present themselves at the office of Mr. J. Edgar Hoover, Director of the Bureau of Investigation, and say, "Here we are, Mr. Hoover. We have just lynched a man out here. We have just strung a fellow up." And so far as arresting that crowd and making them amenable to the jurisdiction of a Federal court for that crime is concerned, Mr. Hoover would have to say, "Why, you men are taking up my time here, and I will have to ask you to leave my office."

Under this bill he would not have the slightest warrant in law to arrest those men and take them into a Federal court and punish them for their crime. Yet the country is told here by implication, if not in express terms, that this is a bill to punish the crime of lynching. I say to my friend from Tennessee [Mr. McKellar], no wonder the proponents of this bill will not take the floor and seek to defend this monstrosity or attempt to explain its provisions!

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I may explain to the Senator that the authors of the bill, the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS], will not even stay here to hear the speeches, much less make an argument themselves. The Sergeant at Arms cannot drag them in here and hold them long enough to listen to what is being said.

Mr. RUSSELL. The Senator from New York was kind and charitable enough to come by and tell me that it was necessary for him to leave the Chamber for a few minutes in order to go out to get lunch, and in order to pay a visit to the other House. But I say, Mr. President, that those of the Senate who have read this bill know that it is not a bill to punish the crime of lynching. I point to the fact that it is difficult to keep a quorum on the floor of the Senate because as Senators read the provisions of this bill and find out what they are called upon to support and what they have committed themselves to support, it makes them sick to hear about it.

For several days while the matter was under consideration the bill had not even been read by some Members of the Senate. The distinguished Senator from Tennessee in the course of his remarks called upon the Members then upon the floor who had read this bill to raise their hands, and three Members raised their hands. Since that time the Members have doubtless read this bill, and they are now so sick to see what they have committed themselves to support that they cannot stay here on the floor of the Senate and see the light of publicity and explanation turned upon this bill.

Mr. President, why was this bill thus drawn, piously parading here as a bill to punish the crime of lynching? Why was it drawn so as to punish the innocent many as well as the guilty few in a county where an unfortunate murder of this type might occur? The answer is simple enough. This is a political force bill. This is a sectional bill aimed at one section of the country to endeavor to catch votes in other sections to elect men to office. The proponents of this measure know that if they were to come here with a genuine attempt to penalize murder in all its forms and to protect human lives, or to enforce the provisions of the fourteenth amendment in all sections of the country, that if they were to reach the strong arm of the Federal Government down into their local communities and attempt to punish all crime in the Federal courts that it would defeat the last single one of them.

They know that if the Federal Government were to come into their sections in an honest attempt to enforce all the laws against the various crimes that are committed that they would have a large number of their constituency constantly in the toils of the law. They seek instead to take all of the 12,000 murders that were committed in the United States last year and to skillfully, by verbiage, segregate and remove 8 of them from that list, because, forsooth, no crimes of that particular character which were called lynchings were committed in their States.

Mr. President, it has been truthfully said here, and unchallenged statistics have been cited to show, that lynching is the only form of murder, it is the only kind of felony, in the United States which is now on the decrease.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I suggest the absence of a quorum, Mr. President, on the assurance of the Chair that he will keep a quorum here.

The PRESIDING OFFICER. The Chair can only say that he will try. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

|              |                 |             |               |
|--------------|-----------------|-------------|---------------|
| Adams        | Connally        | King        | Pope          |
| Andrews      | Copeland        | La Follette | Radcliffe     |
| Ashurst      | Dieterich       | Lewis       | Reynolds      |
| Austin       | Donahay         | Lodge       | Russell       |
| Bailey       | Duffy           | Logan       | Schwartz      |
| Bankhead     | Ellender        | Loneragan   | Schwellenbach |
| Barkley      | Frazier         | Lundeen     | Sheppard      |
| Berry        | George          | McAdoo      | Shipstead     |
| Bilbo        | Gerry           | McCarran    | Smith         |
| Bone         | Gibson          | McGill      | Steiwer       |
| Borah        | Gillette        | McKellar    | Thomas, Okla. |
| Bridges      | Glass           | McNary      | Thomas, Utah  |
| Brown, Mich. | Guffey          | Maloney     | Townsend      |
| Brown, N. H. | Hale            | Miller      | Truman        |
| Bulkley      | Harrison        | Minton      | Tydings       |
| Bulow        | Hatch           | Moore       | Vandenberg    |
| Burke        | Hayden          | Murray      | Van Nuys      |
| Byrd         | Herring         | Neely       | Wagner        |
| Byrnes       | Hill            | Norris      | Walsh         |
| Capper       | Hitchcock       | O'Mahoney   | Wheeler       |
| Caraway      | Holt            | Overton     |               |
| Chavez       | Johnson, Calif. | Pepper      |               |
| Clark        | Johnson, Colo.  | Pittman     |               |

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to introduce a bill for the relief of John Quincy Adams.

Mr. BARKLEY. Mr. President, will the Senator defer the introduction of this bill until a little later in the day? It can be done later as well as now.

Mr. REYNOLDS. Certainly; but I should like to ask if there is any objection to my introducing for the Appendix of the Record a radio address that I delivered last night?

Mr. BARKLEY. There will be no objection later, but for the moment I must object.

Mr. REYNOLDS. Very well.

Mr. RUSSELL. Mr. President, at the time the quorum was called I was discussing the amazing fact that it is being urged here that the National Congress should select the only form of murder, the only form of felony in the United States that is decreasing as a subject of national legislation, and that it should blind its eyes to the startling facts shown by statistics that crime in all its other forms is rampant and on the increase throughout the entire Nation. Let no one think, even he who assumes a holier-than-thou attitude, that any one section of this country has any monopoly on virtue or any corner on lawlessness. The figures show crime is widespread. It may vary somewhat in its form; one may call the killing of a human being by three or four people a gang murder in New York and a lynching in Georgia, but the fact remains that even those who are here seeking to sustain this bill by their votes, if not by their voices, have conceded the fact that lynching is the only major crime that is on the decrease.

Our Republic bears the unenviable distinction of being the most lawless Nation of the earth. I do not think it is necessary for me to bring witnesses here at any length to establish that statement as a fact—it is generally conceded; but I will offer a brief statement from the writings of the Attorney General of the United States, the man charged with

the prosecution of violations of Federal statutes, the man in charge of the collation of all the figures and statistics affecting crime, to show, beyond any doubt, that we have many criminals in our midst. Listen to the words of the Attorney General of the United States. He is referring to the year previous to the time when this article was written:

Every 20 seconds, hour after hour, day after day, a crime of desperate proportions—robbery, assault, burglary, rape, kidnaping, manslaughter, murder—was being committed within the boundaries of the United States—

Every 20 seconds a major felony was being committed within the United States—

Over a 12-month period, the almost unbelievable total of nearly 1,500,000 such major crimes were committed.

One million five hundred thousand major crimes committed, and Senators here blind their eyes to that fact and say, "No; we cannot pay any attention to that," but they must rush in here and enact legislation against the crime of lynching, which is on the decrease, before the States themselves wipe out that crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. How does the number of lynchings compare in the entire United States with the number of major felonies that the Senator has cited for the year indicated by him?

Mr. RUSSELL. There were 8 lynchings and 1,500,000 major felonies. Yet it is said here we must tie up the business of the people of the United States; we must do away with all other legislation; we must fray the tempers of Senators and Members of the House of Representatives and array sectional bitterness in order to punish these eight crimes before they are entirely wiped out by the States themselves in the remarkable progress being made in that direction.

Mr. CONNALLY. Mr. President, will the Senator yield for another question? I dislike to interrupt him, but the question is right on that point.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. This bill is proposed as assuring to citizens of the United States their rights under the fourteenth amendment. Is it not true that each of the million and a half major felonies which the Senator has cited, is a violation, if lynching is a violation, of the rights of the victims who have been murdered or assaulted or raped or robbed of their rights under the fourteenth amendment?

Mr. RUSSELL. If the Congress of the United States has the power—which I do not believe that any constitutional lawyer will seriously assert it has—to invade the States to punish crimes of murder that are designated as lynching, they have equal power to invade the States to seek to punish the perpetrators of the 1,500,000 major felonies.

Mr. SMITH. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. SMITH. The Senator from Texas reverted to the crimes committed. What is the Senator talking about? This bill is not for the punishment of crime; it is to get some votes.

Mr. RUSSELL. I have stated, Mr. President, that the title of the bill was very misleading and that my opinion, as to at least one idea back of the bill concurs with that of the Senator from South Carolina.

Mr. SMITH. That is all there is to it.

Mr. RUSSELL. Mr. President, here we have as the Attorney General says, 1,500,000 major felonies. How many is that? It was pointed out by the Senator from Arkansas [Mr. MILLER] yesterday that there was 1 lynching for each 16,000,000 people in the United States last year.

But the Attorney General says that one major crime "against 1 out of every 84 American citizens, affecting 1 out of every 16 homes" was committed the year before this article was written.

He goes on to enumerate some of those crimes:

Twelve thousand of our citizens were murdered. That was at the rate of 33 a day.

Thirty-three murders each day. The Federal Government, under the philosophy of the proponents of this measure, has no right whatever to take any steps against the crime of murder, which is taking away the lives of 33 of our citizens a day, but it does have a right to invade the States and seeks to deal with a crime that happens at the rate of one every 45 days. That is the position that is seriously taken by those who are pressing this measure.

Fifty thousand citizens were robbed. A hundred thousand were assaulted—

Says the Attorney General—

and the menace was growing every day.

Here is the menace of crime growing in all its other forms, while the crime of lynching is being reduced until it has almost been eliminated.

I turn again to the Attorney General's statement—

There were probably twice as many people in the underworld carrying deadly weapons as there were in both the Army and the Navy—a whole half million of armed thugs, murderers, thieves, firebugs, burglars, and hold-up men—and the havoc this standing army of criminals wrought was costing the people of the United States, under some estimates, at least, as much as \$18,000,000,000 a year. For every cent American taxpayers spent for education they paid 5, 6, or 7 cents toward the crime bill.

That is the statement, Mr. President, that the Attorney General made in referring to the alarming spread of crime in every form save and except lynching in the year 1933.

Has that record been improved? Witness after witness could be brought in to prove the contrary; one could read newspaper articles of horrible crimes in every form that have been committed throughout the United States from now until the first of next year; and I may take occasion later on in the debate to read some of them.

For the time being, however, I shall present only a brief statement from another witness; and I go to high authority. I go to the Honorable J. Edgar Hoover, head of the Federal Bureau of Investigation, a man who is recognized throughout the entire world as being one of the most accomplished administrators and law-enforcing officers in dealing with this horrible rising tide of crime other than lynching.

Here is what Mr. Hoover said:

Let us look at the record. Figures for 1937 show a decided increase in the felonies committed this year as against the 1,333,526 major crimes in 1936. There has been a sharp increase in robberies, burglaries, larcenies, and automobile thefts. How can anyone say that crime is decreasing when we look at this record? Crime is not lessening; it is distinctly increasing. The records of 1937 show that more persons died by manslaughter, that more were murdered, and these same records reveal an alarming increase in the most horrible of criminal violations that exists—that of the degenerate attacks of filthy, prison-bred reptiles upon the women and children of America. Women strangled, beaten by the rotten fists of degeneracy; their virtue assailed and their lives taken. Innocent children lured into vacant houses, into deserted basements, into unfrequented ravines, their bodies defiled and assaulted.

That, Mr. President, comes from high authority, showing that crime in all of its forms, save in the form of lynching, is on the increase in these United States. Mr. Hoover went so far as to say, in view of this alarming increase in all forms of crime save and except lynching, that we are indeed at a crisis in the matter of crime. The question arises whether society shall control the criminal or whether criminals shall control society.

Mr. President, in view of that record, in view of that statement, in striking contrast to this appalling record of crime in all of its horrible forms is found the steady decrease in lynching in the Southern States, where it has been all but wiped out. Yet we have Senators who are so zealous to punish crime, and bring about a Utopia where no person will

be deprived of life, liberty, or property by criminals, whether banded together in the form of gangs or of lynch mobs or of individuals, that they obscure the fact that all other forms of crime are on the increase, and seek to come in here and legislate against the only form of crime which the States of the Union have shown themselves capable of controlling.

Why, Mr. President, to an unbiased observer who might come here from some foreign land, and see this picture of the United States Senate being tied up with the amazing proposal to single out these eight crimes for legislation, it would present a ludicrous situation. To our country it is not ludicrous; it is a pathetic situation. It is nothing short of tragic that the time and the talents and the tempers of the Members of the Congress of the United States should be frittered away in considering a measure of this kind merely, perhaps, to see that certain groups of voters are appealed to.

Mr. President, this bill is aimed at 8 of the 12,000 murders that occurred in the United States. It is not brought here by a Senator from a Southern State. I think we have a right to assume that most people would feel that they should set their own house in order before they attempt to go out and criticize and condemn their neighbors for their manner of living and for their infractions of the rules of society. This bill is presented here and largely urged by the Senator from New York; but when we investigate the record of crime in the State of New York and in the great metropolitan center known as New York City, and compare it with the record of the crime of lynching in this country, it is sufficient to amaze anyone as to why this one crime, which is on the decrease, should be singled out for the great legal and judicial experience of the Senator from New York, who was once an ornament of the judiciary in that State, and cause him

to spend his time and exert his energies on this one decreasing crime. One out of 16,000,000 persons in the United States was murdered by lynching last year. In the State of New York, in 1936, 4 out of 100,000 of the citizens of that State lost their lives by murder; yet no effort is made here to punish that crime, wherever and in whatever form it may be committed unless someone can call it a lynching.

Mr. President, at this juncture I ask to have inserted in the RECORD, as part of my remarks, two tables showing the type of felonies, one applying to New York State for the years 1935 to 1937, and the other giving information as to the number of offenses known to the police in the cities of Chicago and New York for the years 1935, 1936, and the first three-quarters of 1937.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Without objection, it is so ordered.

The tables are as follows:

*Number of offenses known to police, per 100,000 inhabitants, New York State, 1935-37*

| Type of crime                     | 1935  | 1936  | January-September, 1937 |
|-----------------------------------|-------|-------|-------------------------|
| Murder, nonnegligent manslaughter | 4.3   | 4.0   | 2.9                     |
| Rape                              | 7.8   | 9.2   | (1)                     |
| Robbery                           | 15.7  | 15.7  | 11.4                    |
| Aggravated assault                | 30.1  | 31.1  | 25.0                    |
| Burglary—breaking or entering     | 90.7  | 158.6 | 113.5                   |
| Larceny— theft                    | 424.0 | 399.1 | 309.1                   |
| Auto theft                        | 157.2 | 129.6 | 102.3                   |

<sup>1</sup> Not given.

Source: U. S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, vol. 6, no. 4, p. 13; vol. 7, no. 4, p. 137; vol. 8, no. 3, p. 117. Rates with reference to burglary, larceny, and auto theft are not based on reports for the same number of cities each year.

*Number of offenses known to the police in Chicago and New York, 1935, 1936, 1937 (first 3 quarters)*

| City and year  | Murder, nonnegligent manslaughter | Rape | Robbery | Aggravated assault | Burglary, breaking or entering | Larceny— theft |            | Auto theft | Total  |
|----------------|-----------------------------------|------|---------|--------------------|--------------------------------|----------------|------------|------------|--------|
|                |                                   |      |         |                    |                                | \$50 and over  | Under \$50 |            |        |
| Chicago:       |                                   |      |         |                    |                                |                |            |            |        |
| 1935           | 243                               | 184  | 10,177  | 1,785              | 18,857                         | 3,790          | 13,996     | 6,726      | 55,758 |
| 1936           | 221                               | 198  | 5,895   | 1,589              | 13,772                         | 3,302          | 11,669     | 3,527      | 40,173 |
| 1937:          |                                   |      |         |                    |                                |                |            |            |        |
| First quarter  | 46                                | 46   | 1,558   | 367                | 3,233                          | 797            | 2,603      | 735        | 9,385  |
| Second quarter | 51                                | 74   | 986     | 410                | 2,896                          | 680            | 2,829      | 773        | 8,690  |
| Third quarter  | 61                                | (1)  | 1,195   | 438                | 2,967                          | 810            | 3,320      | 744        | 9,535  |
| New York City: |                                   |      |         |                    |                                |                |            |            |        |
| 1935           | 369                               | 628  | 1,184   | 2,479              | 2,788                          | (2)            | —          | —          | 7,448  |
| 1936           | 364                               | 771  | 1,240   | 2,561              | 2,536                          | 7,172          | —          | 7,701      | 22,345 |
| 1937:          |                                   |      |         |                    |                                |                |            |            |        |
| First quarter  | 82                                | 182  | 296     | 539                | 646                            | (2)            | —          | 1,815      | 3,560  |
| Second quarter | 87                                | 209  | 303     | 740                | 752                            | (2)            | —          | 1,924      | 4,015  |
| Third quarter  | 85                                | (1)  | 273     | 887                | 806                            | (2)            | —          | 1,775      | 3,886  |

<sup>1</sup> Not given.

<sup>2</sup> Not reported.

Source: U. S. Department of Justice, Federal Bureau of Investigation. Uniform crime reports for United States, vol. 6, no. 4, pp. 15 and 16; vol. 7, no. 4, pp. 140 and 142; vol. 8, no. 1, p. 13; vol. 8, no. 2, p. 66; vol. 8, no. 3, p. 119. Totals computed from figures given.

Mr. RUSSELL. But, says the Senator from New York in one of the very brief statements he has made on this bill, it is necessary for the States to be invaded by the Federal power in this instance because of the fact that the States are not punishing this crime, even though they have reduced it to a minimum. I am sure one would think, from that statement, that in the State of New York all of the malefactors and offenders against the laws of the State are brought to judgment and to punishment; but the figures for the year 1935—which is the only year for which I have been able to get definite statistics from the Bureau—show that in the city of New York there occurred 369 homicides, 369 murders, as against the record of 8 throughout the entire United States in the form of lynching. Were all the murderers convicted? Why, Mr. President, only 167 of them were ever indicted. Two hundred and two of them were never indicted by the grand jury of the State of New York.

What was the record further? Why, we find that only 75 of those murderers were ever convicted. Therefore, in New York State, from which this great Senator comes bearing this bill to criticize and condemn other States because he says they have not enforced their penal statutes, we find

that out of 369 murders only 75 murderers were ever convicted by the courts.

Mr. President, it is interesting to observe the difference in the various forms of lawlessness in this country. I have here a little news item from the Associated Press which is a general story of the methods employed in various sections of the country to celebrate the advent of the New Year—what is commonly known as the celebration to take place on New Year's Eve. In it I find this striking paragraph:

In Brooklyn—

Which is part of Greater New York—

parishioners of the Church of the Holy Rosary celebrated their services an hour earlier than usual, and under the protection of a special police detail, on hand because of a long series of beatings and hold-ups in that section.

Why, Senators from States where people cannot gather in the house of God to pursue their devotions in an orderly manner without being compelled to call upon the officers of the law to guard them against thugs, footpads, those who would beat and abuse and rob them, come in here now to summon other States before the bar of judgment of the

Nation and of the world because 8 out of 12,000 murders in the United States happened to be unfortunately of the kind, as abhorrent as any, known as mob violence or lynching.

I find here another news item in regard to the same story, sent out by another great news agency, in which it is said that not only did the police have to guard these people but the police advised the parishioners "to emulate the Pilgrim Fathers, who carried guns to church as protection against the Indians"—advising people on their way to church in this good year of 1938 to carry their blunderbusses and muskets on their shoulders to protect themselves from the Indians who might be lurking around the corners in New York City.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Is there any significance in the fact that the people were called upon to protect themselves against the Indians in New York, members of the wigwam of which the Senator from New York is one of the outstanding members? [Laughter.]

Mr. RUSSELL. Mr. President, the Indians in this country have been greatly victimized in times past. Unfortunately, massacres of Indians have happened in elections here in the present day. We have had one recently in New York. However, out of regard to the Senator from New York, I shall not comment on the very pertinent suggestion of the Senator from Texas, which could apply to the recent mayoralty election in New York, where the Indians to which he refers were decimated politically.

Mr. CONNALLY. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from Georgia further yield to the Senator from Texas?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. Does the Senator mean that this quotation from the press is a report of an incident happening in Brooklyn, N. Y., in the United States of America, on the 1st day of January 1938, in which the officers of the law—who were charged, of course, with the enforcement of all rights under the fourteenth and all other amendments—deliberately urged parishioners who were attending worship in a temple of God to go there armed to protect themselves from assault, robbery, and intimidation from constituents of the Senator from New York, who is the author of this bill?

Mr. RUSSELL. Mr. President, if the Associated Press and the United Press may be relied upon, not only was it found necessary to call out a detail of policemen in this year of enlightened civilization, 1938, to protect the church-going people of New York in their devotions, but the police went further than that and advised the people who desired to go to church to go an hour earlier than usual and to carry along guns, in order that they might augment the forces of the police in the collisions with the forces of crime that were anticipated in the shadow of the temple of the church.

Mr. President, I have here another newspaper clipping which shows something about the method in which various other crimes are disposed of in New York City. As I stated, I have been making a study of the subject of crime since this matter has been pending, and at some later date I may go more into individual cases, but for the time being I shall use only this case as somewhat typical of the methods which are employed in law enforcement in some cases in New York City.

I read from an article appearing in the New York Times:

**BIG SHOT WEINER DIES AFTER AFFRAY—NOTORIOUS CRIMINAL SUCCUMBS IN BELLEVUE PRISON WARD TO PISTOL BATTLE WOUNDS**

Robert (Big Shot) Weiner, one of the most notorious criminals in the city, died in the prison ward at Bellevue Hospital shortly after noon yesterday. He had been a prisoner there, charged with felonious assault since an affray in front of 55 West Seventy-fourth Street early last Saturday in which he was shot in the throat.

Mr. CONNALLY. Mr. President, was that a Senator who was shot in the throat? [Laughter.]

Mr. RUSSELL. No. Each State is allowed only two Senators, but it seems that some of the States are allowed countless numbers of gangsters and racketeers. Despite gang wars, the supply is inexhaustible.

Weiner, who was 33 years old, had been arrested 13 times in the past 13 years and on one occasion spent 13 months in the death house at Sing Sing before the court of appeals reversed his conviction of murder.

Mr. REYNOLDS. Mr. President, is the Senator referring to the record of a criminal alien?

Mr. RUSSELL. I am. I am sure the Senator from North Carolina will be interested in this on account of his very careful study and attention to the problem that is confronting the people of this country by reason of the very grave crimes oftentimes committed by those who have no right within our borders. I might say to the Senator that this man apparently had been naturalized in New York State, however, and was not subject to deportation for his crime. I hope, however, that while this matter is pending here, while we are discussing this awful crime situation in the United States, the Senator from North Carolina will give the Senate the benefit of the study he has made of crimes among aliens and others in the United States. I think it would be an enlightening page of the RECORD. I think it might well cause the Senate to turn aside from its efforts to direct the power of the Federal Government against the only decreasing crime and to exert it against some crimes that are on the increase.

I read further about this criminal. The article shows he was arrested 13 times, that the police knew he was engaged in every conceivable racket, but his only conviction was reversed and he was set free.

He had been found guilty of smuggling pistols and ammunition into the Tombs for use in the attempted jailbreak of November 3, 1926, which cost five lives.

Weiner was born in Russia but was a naturalized American citizen. His home recently had been at 1572 Eastern Parkway, Brooklyn. He always gave his occupation as a fish peddler, but the police said that he had long since abandoned that occupation for a series of rackets—the cosmetic racket, the drug-store racket, the grocery racket, and lately the narcotics racket.

His criminal record began with a 30-day sentence for petit larceny in Seattle in 1922, but all his subsequent arrests had been in this city. Despite the frequency with which he was brought in, he had only a single conviction against him here, one for unlawful entry, besides the one that was reversed.

Weiner was arrested within a few hours after the attempted break at the Tombs, and he signed a confession, the police said, that he had thrown two pistols and ammunition in a package over the Tombs wall. He also admitted, they said, that he was waiting in a car outside the Tombs when the break was attempted by three desperate gunmen.

He maintained that the confession had been beaten out of him by detectives in the basement of police headquarters, and although the jury convicted him, the court of appeals eventually accepted his statement.

Although Weiner told the police, after he had been taken to Roosevelt Hospital early Saturday, that he had been standing at a corner of Columbus Avenue and Seventy-fourth Street when he felt a pain in his neck and realized he had been shot, the detectives learned from witnesses that four men, arguing loudly about "dope," had engaged in a pistol battle in front of 55 West Seventy-fourth Street.

Mr. REYNOLDS. I appreciate the compliment paid me by the able Senator from Georgia, and I should like to be permitted to make an observation at this time, if it will not interfere materially with the trend of the Senator's thought. I am sure it will not, because it is directly in line with his remarks.

Mr. RUSSELL. If it relates to the subject of crime, which is the subject now being considered, I shall be delighted to yield.

Mr. REYNOLDS. It relates to crime and I am sure the Senator will welcome what I have to say, because I recall that only a few moments ago, when I entered the Chamber, I talked with a Senator in regard to the situation which exists within the confines of this country now, and at that time I recall the Senator brought to my attention an appalling figure, involving the mention of \$18,000,000,000 annually that crime costs the taxpayers of America.

In connection with that I might add that it is my information from the Bureau of Investigation, of the Department of Justice, that there are as many criminals in America today—4,400,000, according to statistics—as many men violating the law in this country today as the number we had in uniform and under arms during our brief participation in the World War, from April 6, 1917, to November 11, 1918.

I wish to add, for the information of the able Senator from Georgia, who is the very worthy chairman of the Committee on Immigration of the Senate, that only a few days ago I introduced in this body a bill which would require the mandatory expulsion or deportation of aliens in this country who were guilty of committing certain crimes, and although some may have become naturalized under the law, I ask for the expulsion of those naturalized who are preaching against the fundamental doctrines of our own Government. I wish to say to the Senator from Georgia that I am happy indeed to know that he is taking this subject up so carefully and displaying such interest on behalf of the American people.

Mr. RUSSELL. Mr. President, my discussion of the case of this man who had been an alien is merely incidental, but I wish to reiterate the hope that the Senator from North Carolina will at some future date address the Senate at some length on the subject of crimes by aliens. I recall that the Senator gave the Senate some very interesting information on this subject some time ago, and inasmuch as there will undoubtedly be various amendments offered to the pending bill to add other crimes than this decreasing crime of lynching to those sought to be condemned by the Congress I think it would be very appropriate and very instructive to have the Senator from North Carolina give the Senate the benefit of his research and study in crimes which are committed by the class known as aliens.

Mr. REYNOLDS. In connection with that, if the Senator will yield again, I might add that I have a list of names and addresses of some 25 criminal aliens in this country, that is to say, those who have come from foreign lands and who have had the protection of our flag, who have made a lot of money here during good times, but who do not think enough of the country to take the oath of allegiance, and are not willing to become American citizens. I have a list of about 25 names of 25 criminal aliens in this country who have committed crimes, among them Hauptmann, the man who was arrested, convicted, and executed for the kidnaping and murder of the baby of Colonel Lindbergh. I wish to discuss that and a number of others, and I will do so at the first opportunity.

Mr. RUSSELL. Of course, the Senator from North Carolina realizes that under the pending bill as it now stands not one of the victims of the crimes of violence which are perpetrated by the aliens to whom he referred can come into court and recover \$10,000 in liquidated damages, not a single police officer or peace officer can be sent to the penitentiary for not apprehending them in their crimes. For that reason, the information will be very important when we come to consider some of the amendments which will be offered to the bill in order to make it apply to other crimes.

Mr. CONNALLY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. I call the attention of the Senator to the fact that most of the crimes referred to by the Senator from North Carolina are expressly exempted under the bill under the designation of "gangsters" and "racketeers."

Mr. RUSSELL. That is very true, and I will deal with that later, when I get to that phase of the bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I call the particular attention of the Senator and of the Senate to something from the Illinois Crime Survey Report.

Mr. CONNALLY. Mr. President, I think the Senator ought to withhold that until the Senator from Illinois [Mr. Lewis] is present.

Mr. RUSSELL. I might say to the Senator that I have that report here, and I intend to read from it some excerpts now, and perhaps at some later date read all of it to the Senate for our information and enlightenment.

Mr. McKELLAR. I should like to call the Senator's attention to one thing in the report.

Mr. RUSSELL. It is an appalling book when you consider the crimes it recounts and exposes.

Mr. McKELLAR. I read:

There have been no convictions in gang murders in Chicago during the period covered by this analysis—1935-37. This immunity from punishment is apparently due in part to collusion between politicians and racketeers and to the rule of silence required by the underworld code of ethics.

My recollection is that the number of slayings in Chicago was 130 for the period mentioned. Yet not a single person who killed 1 of the 130 in the city of Chicago alone has been punished, nor has any attempt been made to punish those who killed the 130. However, there is a desire on the part of some that a bill like this be passed.

Mr. RUSSELL. The Senator from Tennessee does not reveal the shocking length to which that report of the Illinois Crime Commission, composed of leading and outstanding citizens of Illinois, goes; and I am amazed that my beloved friend the Senator from Illinois [Mr. Lewis] is not familiar with the report. If he had been familiar with it I am sure he would not have stated on the floor of the Senate the other day that he wanted to strike the provision as to gangsters out of the bill because it was a reflection on the State of Illinois, and because the State of Illinois, as he stated, had full power and willingness and capacity to, and did, deal with its criminal element and bring them before the bar of justice. When I get into this report of the Illinois crime survey it will be developed that in the two years for which the survey was made 760 murders, I believe, were known to the police, and there were 9 sentences of death in a State whose laws prescribe death as the punishment for the crime of murder. It will show some rather amazing things. I think I shall hasten through with some very brief statements about New York, and perhaps give to the reporter some excerpts from the Illinois crime survey.

Mr. President, in this latter day, despite the fact that advice is given by the police of New York City to deal with the criminal element as the Indians were dealt with, for the people to arm themselves as they went to church, the people of the United States have been more appalled and dismayed by new types of crime which have made themselves manifest of late.

I shall read just briefly a short article from the Literary Digest. I have very little regard for the Literary Digest as a prophet of what will happen in any election, but when it comes to recording facts which have already transpired I think it is about as worthy of attention as almost any periodical of the day. When it comes to quoting people, I should think it was about as authentic and reliable as any magazine of this type. I shall read only briefly at this time from the article. The article is headed "Sex Crime Wave Alarms United States," and I read an excerpt:

In New York City at the present time—

This was April 10, 1937—

a man is arrested, charged with some revolting sex offense, every 6 hours on the average.

Every 6 hours a man was arrested for a crime of this character. What happened to them?—

Of the 1,460 individuals so arrested annually few, police say, ever reach prison or asylum.

Between 1931 and 1936, the figures and graphs of the Federal Bureau of Investigation of the Department of Justice (G-men), gathered quarterly from 1,618 cities with a combined population of 58,820,588, show ominous increases in this type of offense.

A recent report of the F. B. I. remarked:

"Offenses of rape showed a marked increase in 1935, and the number in 1936 is almost as large."

The daily average of such offenses, "known to the police" in 69 cities of more than 100,000 population with an approximate total population of 20,000,000, rose from 914 in 1931 to 1,169 in 1936.

In recent weeks, the press of New York, Buffalo—

Which is also situated, as I understand, in New York—

Minneapolis, Chicago, Cleveland, and many other cities has been filled with the lurid details of cases in which rape and murder, of both children and adults, have been the subject.

I shall skip a part of the article, but perhaps I will have an opportunity at some future time to come back to it. Skipping a portion of the article, let us now see how the authorities are dealing with this offense.

Authorities nevertheless remain puzzled and uncertain as to remedies. Their bewilderment was expressed a few days ago by Police Commissioner Lewis J. Valentine of New York City.

This is what the commissioner said:

The most horrible menace confronting the people of this city is the type of criminal who attacks children. He represents not only the most terrible phase of crime, but the greatest—because that class of crime is growing greatly \* \* \* it is the most difficult to control or suppress \* \* \* what form prevention and cure will take remains uncertain.

He was speaking to reporters after viewing the body of \* \* \* 9-year-old Brooklyn girl who had been attacked and slain by \* \* \* a barber, even then out on bail for a sex offense.

"Cops are tough," continued the New York commissioner, who used to pound a beat himself.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I asked the Senator to yield so I could ask him a question. Does the Senator mean to say that this criminal who committed this sex offense was out on parole?

Mr. RUSSELL. He was out on parole; out on bail.

Mr. CONNALLY. For a former sex offense?

Mr. RUSSELL. Yes; for a former sex offense.

Mr. CONNALLY. This occurred in New York?

Mr. RUSSELL. Yes. I was reading the statement by the city commissioner of New York, the man charged with crime prevention.

Mr. CONNALLY. The commissioner of the same city of New York to which we look for moral uplift and leadership in the United States.

Mr. RUSSELL. Yes; the same New York that gives the impetus in this bill, to send it forth into other States, and seeks to cast a stigma on a great section that has already almost wiped out the most horrible form of murder that is known in that section, while these horrible manifestations of crime in all its forms run rampant within New York City without anything being said about it here and no effort being made to curb it by using the powers of the Federal Government.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understand the Senator, the victim was a little girl 9 years old?

Mr. RUSSELL. Yes, sir. That is what the article states. I specifically did not read the name of the child nor the one who committed the act because I did not think that would add anything to it. The New York commissioner went on to say:

Cops are tough, and I suppose I've seen enough crime \* \* \* to be callous.

If the Senator from Tennessee will follow this article he will find that it gives a brief statement about the crime.

But when I saw that little girl's body \* \* \* with her little hands stiffened in death as she had raised them \* \* \* in an agony of horror and appeal to that beast—well, I've been a cop for a long time, and I've been shaken for days by some sights, but nothing ever hit me like that.

Listen, Senators, to this significant statement. Hear this as coming from the commissioner of New York City.

The commissioner went on to point out that no proposed legislation met the problem.

Where is the legislation in this bill to meet this growing crime, this horrible crime that is increasing until it is referred to as a crime wave? Oh, no; we are told we must devote all of the time of the Senate to an attempt to legislate with respect to a crime that has been all but wiped

out—a crime which the States have shown that they could and would control.

Mr. President, I marvel at the auditory powers of the Senator from New York, for above this appeal of the police commissioner, above the rattle of the machine guns of the gangsters, above the exploding of bombs of racketeers, terrifying those who would do a legitimate business, above the moans of the widows and orphans of those who are murdered and stricken down, without the murderer paying the penalty of the law, above the feeble outcries of the little girls and the women who are referred to so graphically by the city commissioner, why, the Senator heard a still small voice: "Get out, go forth in a suit of armor of white."

Go into other States. Push through this monstrosity you call a bill to punish lynching and the insult that it implies to other sections which have all but wiped out this horrible crime of lynching. But not one word about these increasing crimes is found in the bill. No, the Federal power is not broad enough to reach a crime of this kind. The Federal Government has no right to seek to legislate in a matter of this kind.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Let me ask the Senator with respect to that child that was murdered and assaulted if her rights of equal protection under the law, under the fourteenth amendment, by the State of New York are not just as sacred as the rights of any citizen anywhere; and if we have authority to pass this bill, why could not the authors of this bill insert in it a clause providing that any State which through its officers does not protect that child in her life and liberty and person should be amenable to her and her family in the sum of \$2,000 to \$10,000 for failure to protect her rights under the Constitution?

Mr. RUSSELL. Of course, the Senator from Texas is correct; but he knows the theory of this bill. And everyone who has read it knows the theory of this bill. If a person who is murdered by three men is charged with a crime, his family will get \$10,000 from the county, and the sheriff of the county has to go to the penitentiary. But if the murdered man is as innocent of any offense as a new-born babe, even though his record in life has been as white as the driven snow, then he can be shot down, or can be abused, or attacked, or assaulted, or have any kind of horrible crime committed against him; but when he is dead, does his family get the \$10,000?

Oh, no; that man was not charged with a crime. He was innocent of any offense. His widow and orphans have no right of action against the county. They go to the relief rolls or go to some charitable organization or they can starve.

And how about the police officer? If he happens to live out here in some country county where there occurs a crime such as that which they would seek to null out and designate by this bill, they would send the sheriff to jail or to the penitentiary for 5 years. If a crime like this happens to take place in New York in some gang killing or in connection with some racket, or something like that, the policeman on the beat where the murder took place does not go to the penitentiary. He cannot be punished under the bill. Likely as not he increases his weekly "take" not to reveal the perpetrators of the crime.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. MOORE in the chair). Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator did not read all of the article, or perhaps did not wish to read all of the article. Does the article state what punishment was meted out to the man who assaulted the little girl 9 years of age?

Mr. RUSSELL. Mr. President, this seems to have been written just after the crime had been committed, but I cannot conceive for even 1 minute that there is any section on earth, certainly not in the United States, where the extreme penalty of the law would not be visited on a beast of that

kind. I believe that even in a city that has the appalling crime record that these figures and statistics indicate exist in New York City that there would not be a soul in that city to rise up and say that that beast should not pay the extreme penalty for his crime.

Mr. President, it is amazing, as I said, that this should happen. I have in my hand an article from the New York Times which shows something about the extent to which these sex crimes are spreading in New York. I have already shown that. The commissioner there is looking for legislation to remedy the situation, urging that something be done about it. The article from the New York Times of Thursday, December 2, 1937, says:

Urges new courts for sex offenders. Littleton proposes private trials, with names kept secret to protect victims.

Mr. President, this is significant for the reason that Mr. Martin W. Littleton, who is the district attorney of Nassau County, says that not half of these sex crimes are ever known to the police. Therefore among the 1,400 arrested, one every 6 hours, that Mr. Valentine, the commissioner of police, referred to, less than half of those guilty of such crimes are arrested.

URGES NEW COURTS FOR SEX OFFENDERS—LITTLETON PROPOSES PRIVATE TRIALS, WITH NAMES KEPT SECRET TO PROTECT VICTIMS

A constitutional amendment to authorize private courts to take sex cases out of the public view, and thus shield innocent persons involved from embarrassing publicity, was proposed today by Martin W. Littleton, district attorney of Nassau County.

Mr. Littleton said he knew of about 40 sex crimes that were not prosecuted because parents of children involved did not care to brave the publicity that surrounds such cases. He also suggested prohibition against publication of names and pictures of persons involved.

"Morbidity morons," he declared, "fill the court room at these trials, subjecting a child victim to a harrowing experience which will mark him or her for all time."

"A public trial is the greatest detriment to prosecution of these cases. Neither a child nor an adult in most instances will consent to prosecute a sex criminal for fear of public display."

Mr. President, I do not make these statements and read these articles here showing crime conditions in New York in order to reflect on any good citizen of New York. I make them to show that it is an absurd proposition to have the Congress tied up in any such manner as this to deal with the only decreasing crime in the United States, and not to say that the Congress has the right to go into this other matter, or that it shall not deal with crime in all of its phases.

Mr. President, I am reminded of a story I heard about 20 years ago about a preacher who went into a community where he had not been theretofore, to take over a new charge. Several denominations attended the union church that they had there, and the preacher preached his first sermon, and happening to be a member of the Methodist Church, he preached a little Methodist doctrine, and he took occasion to jump on those in the community who were guilty of card playing. He condemned dancing and he also said something about drinking. The next day a committee called on him, and the chairman of the committee said, "This, being the only church in the community, is a union church of several denominations. There are not many Methodists in it, so you cannot preach the Methodist doctrine. The ladies here in this community all play bridge, and they play it for a little money, and therefore don't you be talking about playing cards. Old man Cy Brown down here, who is the most liberal contributor we have to this church, takes a little toddy every Saturday night, and once in a while he gets a little bit tight, so therefore you have got to go sort of easy on this business of drinking liquor."

"All of our young people dance, and you cannot preach against that." "Well," the preacher said, "Brother Jones, what on earth can I preach on, then?" The chairman of the committee scratched his head a little and said, "Why, just jump on the Jews and Seventh-Day Adventists and give them hell. There ain't a one of them comes to our church, anyhow." [Laughter.]

So that is the philosophy that inspired—I do not say that it does inspire, but that could have been the idea that the Senator from New York [Mr. WAGNER] had in mind. He looked over all this list of crimes, and with respect to the only crime, because it is called gang killing instead of lynching in New York, under which none of his constituents could possibly be prosecuted, he comes out then and says, "We will invoke the Federal power here in this crime of lynching, that is all but eliminated and all but wiped out."

Mr. President, I regret the absence of the Senator from Illinois [Mr. LEWIS], because I wanted to read somewhat from the report of the Illinois Crime Commission, to which the Senator from Tennessee [Mr. McKELLAR] has referred.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. May I say to the Senator from Georgia that I understand the majority leader desires to have an executive session at this hour. I assume that the Senator from Georgia has not concluded his remarks, and I assume that it will be agreeable for him to proceed tomorrow in the event that he suspends at this time.

Mr. RUSSELL. It will be agreeable to me to proceed tomorrow. As a matter of fact, if my remarks are to be interrupted this afternoon, I should prefer that the interruption should come right now, because I was getting ready to take up a new phase of the subject involving a different section of the country.

Mr. BARKLEY. Mr. President, I did not know how much longer the Senator intended to speak.

Mr. RUSSELL. I intended probably to speak for another hour—not at great length—an hour or two at this time.

#### EXECUTIVE SESSION

Mr. BARKLEY. With the understanding that the Senator from Georgia will be recognized tomorrow, if he wishes to speak, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|              |           |                 |               |
|--------------|-----------|-----------------|---------------|
| Adams        | Clark     | Johnson, Calif. | Pepper        |
| Andrews      | Connally  | Johnson, Colo.  | Pittman       |
| Ashurst      | Copeland  | King            | Pope          |
| Austin       | Dieterich | La Follette     | Radcliffe     |
| Bailey       | Donahey   | Lewis           | Reynolds      |
| Bankhead     | Duffy     | Logan           | Russell       |
| Barkley      | Ellender  | Loneragan       | Schwartz      |
| Berry        | Frazier   | Lundeen         | Schwellenbach |
| Bilbo        | George    | McAdoo          | Sheppard      |
| Bone         | Gerry     | McCarran        | Shipstead     |
| Borah        | Gibson    | McGill          | Smith         |
| Bridges      | Gillette  | McKellar        | Steiwer       |
| Brown, Mich. | Glass     | McNary          | Thomas, Okla. |
| Brown, N. H. | Guffey    | Maloney         | Thomas, Utah  |
| Bulkeley     | Hale      | Miller          | Truman        |
| Bulow        | Harrison  | Minton          | Tydings       |
| Burke        | Hatch     | Moore           | Vandenberg    |
| Byrd         | Hayden    | Murray          | Van Nuys      |
| Byrnes       | Herring   | Neely           | Wagner        |
| Capper       | Hill      | Norris          | Walsh         |
| Caraway      | Hitchcock | O'Mahoney       | Wheeler       |
| Chavez       | Holt      | Overton         |               |

The PRESIDING OFFICER (Mr. MOORE in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Ellenberger, deceased, which was referred to the Committee on Post Offices and Post Roads.

#### THIRD ASSISTANT POSTMASTER GENERAL

Mr. McKELLAR. Mr. President, the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Post-

master General, vice Mr. Eilenberger, came in this morning. The Post Office Committee has been polled, with the exception, I believe, of the Senator from Vermont [Mr. Gibson], about the nomination. From the Committee on Post Offices and Post Roads, I ask unanimous consent to report the nomination favorably at this time, and I ask that the nomination be considered and confirmed.

The PRESIDING OFFICER. Without objection, the report will be received, and, without objection, the nomination is confirmed.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported adversely the nomination of John P. Adair to be postmaster at Highlands, N. J., in place of J. P. Adair.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of George A. Cook, of Illinois, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1939, vice James W. Carmalt, deceased.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Marine Corps.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar in their order.

#### COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia, which nomination had been reported adversely.

Mr. BARKLEY. Mr. President, inasmuch as there is no controversy over the other nominations on the calendar, I suggest that this nomination be passed over until the others are acted upon.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

#### WORKS PROGRESS ADMINISTRATOR

The legislative clerk read the nomination of Will G. Metz to be State administrator for Wyoming.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read the nominations of several postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

#### INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Charles D. Mahaffie, of the District of Columbia, to be Interstate Commerce Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### RAILROAD RETIREMENT BOARD

The legislative clerk read the nomination of Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the nominations on the calendar with the exception of the one passed over, which will now be stated.

#### COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke, of Morgantown, W. Va., to be collector of internal revenue for the district of West Virginia, which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. HOLT. Mr. President, I assure the Senate I shall not take much of its time to discuss this nomination. I

speak at all only because some Senators have requested me to state my reasons for maintaining that the nomination is personally obnoxious to me.

I wish to say that Mr. F. Roy Yoke is personally obnoxious to me as a United States Senator from the State of West Virginia. I want it clearly understood that I am not interested in any way at all with the patronage involved. If the United States Senate shall not confirm Mr. Yoke my senior colleague [Mr. NEELY] will have control of naming the man who will be his successor. I wish to say further that if he be not confirmed there are 500,000 other Democrats in the State of West Virginia, any one of whom could be named for this position, and if I were called upon to state one other individual against whom I would raise the question of personal obnoxiousness I do not believe I could name that man at this time.

It has been a rule of the United States Senate that when a Senator states that a person nominated to an office confined to his State and his State alone is personally obnoxious to him the nomination should be rejected. It has not always upheld the contention if the nominee is named for an office in a district or to a Federal position beyond the confines of the particular State; but this nomination is to fill a position entirely within the State of West Virginia. Today I raise the question of personal obnoxiousness. Tomorrow what one of the 95 other Senators may not raise a similar question and expect to be upheld by the United States Senate?

I desire the Senate to understand something about the case and see if there is a single Member of the United States Senate who would not raise the same question under similar conditions. The person in question, Mr. Frank Roy Yoke, was superintendent of schools where I attended school in Weston, W. Va. While superintendent of schools he took great delight in attacking every individual in the Holt family. While I was a student only 12 years of age we were called to the assembly—we had assembly every week in the Weston School—I went to the school assembly, and there I sat, of course, as merely a young student in high school. Mr. Yoke, as superintendent of schools, got up before all the assembly, before all the students, and made the statement that "old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall." May I say that "Doc Holt," as he referred to him, is my father. I leave it to the Members of the Senate, if they were in my place, to say that such a man would not be personally obnoxious to them.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Washington?

Mr. HOLT. I am glad to yield.

Mr. SCHWELLENBACH. I notice in reading the report of the hearings that during the Senator's campaign in 1934 Mr. Yoke supported the Senator in his campaign and rendered some assistance. I should like to ask the Senator whether or not at that time he had knowledge of the fact that Mr. Yoke was supporting the Senator in the campaign?

Mr. HOLT. No; I did not have any particular knowledge of his support, except that I was told afterward that the Internal Revenue Department had become active for the party. This, however, is not a political matter; this is an incident that goes away beyond that, and I do not consider politics involved in it.

Mr. SCHWELLENBACH. The Senator has raised the question whether or not this man is personally obnoxious to him—and the rule relating to that matter is one for which I have a great deal of sympathy—but I do not think that the Senator should raise the question that a man is obnoxious to him and unfit to occupy a Federal position if he was not too obnoxious to him to accept his support in his political campaign.

Mr. HOLT. I may answer the Senator by saying that I have no control over what he did, and I may say publicly that I never once asked him, either by myself or through

any agent in my campaign, to support me either publicly or privately—never.

However, I wish to go ahead a little further and tell the Senate what this individual has done. He advocated the mobbing of my own mother and helped to institute a mob that did stone my mother and knock her down with rocks on the main street of Weston. Who in the United States Senate who has any manhood about him would not stand here and fight for his mother under such conditions as that and say that such a man was personally obnoxious to him? May I tell the United States Senate that Mr. Yoke told, with all the gleefulness that he could, that that was what ought to happen to a person who would dare not advocate America's entrance into the World War. Those are issues that are too deep for politics to become involved.

I have never asked a single individual to support me unless he thought that I was right in the principles I espoused. I think that everyone else with manhood would do the same as I have done.

I should like to read to the United States Senate a letter written by Mr. Anglin, formerly a teacher of the Weston High School, with 40 years' experience. Here is what he said in a letter to me.

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly, and even made an effort—

Listen to this—

and even made an effort to get your grades reduced in your classes. It was a hostility that I never before witnessed in my 40 years of high-school work.

Yours truly,

J. N. ANGLIN.

I may say that another teacher—whose name I do not intend to bring into this argument—told me that the same superintendent of schools went to him and asked that my grades be reduced so that I would not be on the honor roll in Weston High School.

I can throw that aside. I cannot, however, throw aside the fact that this man advocated the killing of my father because of a conscientious belief on my father's part.

Yes; my father was opposed to the World War. He was conscientiously opposed to it, and made no pretense that he was not. Yes; he did so; and just because of that conscientious belief, this Mr. Yoke said that my father ought to be lined up against a white wall and shot until his blood stained the wall. That remark seared my heart then, and it is still in my heart today. I do not think there is a real man in this body today whose heart it would not have seared had he heard it against his own parent.

When we look at these things, and note the incident, why should this man, and he alone, be named as collector of internal revenue in the State of West Virginia? To those who do not entirely follow the rule of personal obnoxiousness, let me say that I am sure all of you agree that any man who would go to that extent would not fairly and properly enforce the internal-revenue laws, but would use them as a weapon by which his enemies could be punished and his friends could be rewarded.

On the question of personal obnoxiousness, here is a letter I received from Illinois, from another man. He says:

As a native of Buckhannon—

Which is only a few miles from Weston—

I recall the bitter accusations that were passed against your father by Mr. Yoke during the war days.

Yes; the fact was so well known that this man recalls it now; and yet it is thought by some persons that I should sit idly by while a man is nominated who said that my father ought to be killed and my mother ought to be mobbed. I believe, and I think every Member of the Senate ought to have enough of manhood to stand up and say, and if I be the only one to stand on this ground I should be glad to go down to defeat because I think my mother and my father are worthy of my defense at any time and at any place.

Personal. What could be more personal? Some men raise questions of personal obnoxiousness because certain persons were opposed to them in campaigns. I do not carry personal obnoxiousness to that point; not at all.

I do not want to take the time of the Senate, but I do want the Senate to realize the facts I have stated; and I want to say that many, many, many instances show that Mr. Yoke has taken a great delight, not merely at that time during the war but since that time, in attacking each and every individual by the name of Holt. I believe that any man who, just because he disagreed with a person of that name, would carry his animosity to the extent of wanting his opponent killed, could not possibly believe in the protection of life, liberty, and pursuit of happiness. How could he swear to uphold the Constitution, which protects individuals in those rights, if he himself would kill a man for a difference of opinion upon that ground?

Upon that statement I rest my case and say that this man is personally obnoxious to me, and that I see no reason why the United States Senate should not uphold such a reason against his confirmation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOLT. I shall be glad to yield.

Mr. KING. As I understand the testimony—and I was chairman of the subcommittee of the Committee on Finance which examined into the matter—it appeared that Mr. Yoke was the teacher of the school in which the junior Senator from West Virginia was a student. I find in the testimony the following:

The antagonism—

That is, the antagonism to the father of the Senator, in part—

came when my father filed a protest against him for being drunk on duty as a member of the school system. One day, as I remember it, the school closed down and it was found Mr. Yoke was not able to be present.

I will ask the Senator whether any denial was made by Mr. Yoke, when he was on the stand before the subcommittee, of the charge that he was drunk at a time when he was a teacher, and that the school had to close down, and did close down because of that fact, and that the Senator's father preferred the charge against him because he was drunk as a teacher.

Mr. HOLT. No. I want to say that this particular individual was and had been drunk in many instances; and my father, as a patron of the schools, who had contributed taxes to that school for 50 years, and whose entire family had gone there, and who lives there today at the age of 87, was tired of seeing the school closed down because of the superintendent, through drunkenness, not being able to do his duty. The superintendent gave as his excuse that the engine was broken down; but my father found out that Mr. Yoke had broken down, due to drunkenness, and exposed that fact.

That was away back in 1915. From that day on he started to make this attack, and continue to make this attack. I want to say there are many things that I could tell the Senate about this particular man's record as to dishonesty and immorality as superintendent of schools and since that time, but I do not think it is necessary, since the question has been raised on the point that the man is personally obnoxious to me.

Mr. NEELY. Mr. President, let me, by way of prolegomena, invite the attention of Senators—particularly those on the Republican side of the aisle—to certain historical facts that some of them may have forgotten. During my first 8 years' membership in the Senate the Republican Party was in power and consequently in control of all Federal patronage. My West Virginia colleagues during these years were the distinguished Republican Senators Davis Elkins, Guy Goff, and Henry D. Hatfield. Within this period hundreds of West Virginians were, upon the recommendations of these Senators, nominated for Federal appointments to service in my State, and their nominations were sent here for confirmation.

Some of those who were nominated were politically hostile to me in the highest degree. Some of them had vigorously attacked me from the stump or through the columns of Republican newspapers. But never in a single case did I raise my voice or cast my vote against the confirmation of anyone who had been appointed upon the recommendation of one of these colleagues.

Throughout those years it was my opinion, and it is my opinion still, that the duly recognized dispenser of Federal patronage in his State should, in the absence of manifest inefficiency or glaring disability on the part of the appointee, be unhampered in the matter of choosing those of his constituents upon whom Federal appointments should be conferred.

And to what extent have I practiced the gospel I now preach? The answer to this question should, in my opinion, encourage considerable sympathetic cooperation with me in the case now before the Senate. Let me submit two concrete illustrations of my attitude toward appointments which were proposed by those who, at the time they were made, controlled the Federal patronage in West Virginia.

On a certain occasion a Republican President, upon the recommendation of Senator Guy Goff, nominated the Honorable Edward Brast, a prominent Republican politician, for collector of internal revenue for West Virginia. Mr. Brast had been involved in factional politics and had many enemies in his own party.

A highly influential Republican ex-prosecuting attorney of one of the most populous counties in West Virginia came to see me almost immediately after Mr. Brast's nomination had been made and offered to bring me a written pledge signed by 6,000 Republican voters of the counties of Wood, Wirt, Jackson, and Pleasants to the effect that they would support me in the next campaign if I would defeat, or vigorously endeavor to defeat, the confirmation which was advocated by my colleague, Senator Goff. My instant reply was that my colleague had been elected by the people of West Virginia for the purpose, among other things, of recommending to the President who should receive Federal appointments in West Virginia, and that notwithstanding the fact that I should be glad to have the 6,000 votes which were offered me, I could not, under a Republican administration, seriously consider a proposal to resist the confirmation of anyone who had been appointed upon the recommendation of Mr. Goff, who at that time was the senatorial spokesman for his party in my State.

On a later occasion, a prominent Republican woman was refused a reappointment as postmaster in a district which was then represented by a Democratic Member of the House. As the administration was Republican, my colleague, Senator Hatfield, controlled the appointment of this influential postmaster's successor. A Republican former Federal official, whose influence was important if not decisive in one of the counties of the Third Congressional District of West Virginia at that time, came to Washington and informed me that he resented Senator Hatfield's refusal to reappoint the lady postmaster and that if I would defeat the confirmation of her successor, he and his entire following would support me when I next ran for office. My reply to this offer was, in substance, identical with the reply that I had made to the offer of 6,000 votes for an effort on my part to defeat the confirmation of Mr. Brast.

Upon the solid foundation of fact, established by my 8 years of consistent conduct in the Senate in matters concerning the confirmation of those nominated by the President, I now stand and appeal to the entire membership of this body—regardless of politics—to confirm the nomination of Roy Yoke as collector of internal revenue for the State of West Virginia.

Mr. Yoke is in the prime of life. His natural ability, thorough education, long experience as a public servant, and unquestioned fidelity to the discharge of every moral, social, and official obligation preeminently qualify him to perform in a most satisfactory manner all the duties of the office to which the President has appointed him. Mr. Yoke holds the

degrees of bachelor of arts and bachelor of laws from the West Virginia University.

For 9 consecutive years he was superintendent of the free schools of Weston, the home city of the junior Senator from West Virginia. Eventually he voluntarily retired from school work to become the executive secretary of the West Virginia University Alumni Association. The duties of this office were to promote the interests of West Virginia's greatest institution of learning. The association, composed of prominent men and women of every political affiliation, occupation, profession, and religious belief, elected Mr. Yoke to discharge the important duties of this office for 10 consecutive years, during which time, to the best of my information, not a single complaint of any kind was ever made against him.

Mr. Yoke next became a candidate in Monongalia County for membership in the West Virginia House of Delegates. He was elected by a majority greater than any other member of his party had ever received in that county. During his service as a delegate he was generally recognized as one of the leaders of the lower house. While he was a member of the legislature he was elected governor of the twenty-fourth district of Rotary Clubs. He discharged the duties of that office to the entire satisfaction of all concerned.

Before Mr. Yoke's term as a member of the legislature expired he was made chief deputy collector of internal revenue for West Virginia, and held that office continuously from July 1, 1933, until he was, on the 1st day of October 1937, appointed collector of internal revenue for his State. The Honorable Guy T. Helvering, head of the Revenue Department, says, in substance, that Mr. Yoke, as a deputy collector, was highly efficient and that his service as collector has been thoroughly satisfactory in every particular.

Today no man in West Virginia stands higher than Mr. Yoke in public esteem. His character is without a spot; his reputation is without a stain. The spokesmen for practically all important business, labor, civic, and political organizations in West Virginia have volunteered to write or wire their approval of Mr. Yoke's appointment to the Members of the Senate. These offers, made both to Mr. Yoke and me, although deeply appreciated, have been uniformly declined, because we have believed that public endorsements are not necessary and that the messages conveying them would unjustifiably add to the burden of correspondence under which practically every Member of the Senate staggers every day and all day long.

Mr. Yoke's confirmation is opposed by the junior Senator from West Virginia on the grounds which are stated in the printed hearings and which the Senator has repeated on the floor this afternoon.

Let me digress for a moment to respond to the inquiry made by the Senator from Utah [Mr. KING], who presided over the hearings of the subcommittee. Mr. Yoke was not present when the junior Senator accused him of the intoxication to which the Senator from Utah referred a moment ago. Mr. Yoke did not learn of this accusation until he received a copy of the printed hearings. He then promptly wrote me that the charge was false, and that his school had never closed because of his having been under the influence of liquor.

Objection to the confirmation is based chiefly upon the charge that Mr. Yoke once said Dr. Holt, the father of the junior Senator, was a traitor to his country and ought to be shot or hanged. Although Mr. Yoke does not admit that he ever used this particular language, he does frankly concede that he severely criticized Dr. Holt soon after this country entered the World War.

Senators cannot judge equitably between Mr. Yoke and the members of the Holt family in the matter in question unless they know the background of the controversy.

According to a letter which Mr. Yoke has written me, the real trouble between Dr. Holt and him began about the year 1914, when Mr. Yoke, as superintendent of the schools of Weston, compelled Matthew Holt, the junior Senator's oldest brother, to repair or pay for some school property which Mr. Yoke asserts that Holt had wantonly defaced or destroyed.

Mr. Yoke says that ever since the time of this event he has been ceaselessly and relentlessly assailed by Dr. Holt, against whom God forbid that I should willingly say an unkind word. He and I opposed each other in two elections—one for the office of United States Senator; one for that of a Member of the House of Representatives. To the best of my recollection, he and I have never exchanged a single harsh word. But candor compels me to say that Dr. Holt is an unusually strong character and a man of the most positive, outspoken convictions. His life, ever since I have known him, has been one of perpetual turmoil. He has always courageously and unsparingly condemned, in most vigorous language, all those with whom he has disagreed.

Mr. Yoke avers that for about 7 years after the Matthew Holt difficulty, the doctor did everything in his power to have him removed from the superintendency of the Weston schools. But although the personnel of the Weston board of education changed from time to time, it continued to employ Mr. Yoke, as before stated, for 9 consecutive years.

But let us return to the objections to the confirmation, which are based upon Mr. Yoke's alleged observation that Dr. Holt ought to be shot or hanged as a traitor. The circumstances in which Mr. Yoke condemned Dr. Holt are as follows: On the 11th day of April 1917—5 days after this country had formally entered the war against Germany and her allies—Dr. Holt, according to the newspapers, said in a speech before a Socialist convention in St. Louis, "that he would not let his boy fight for the Stars and Stripes; that he had sent his boy to South America so that he would not have to go to war."

These utterances appeared on the front page of the Clarksburg Exponent, which then was and still is one of the leading daily newspapers of West Virginia. It then enjoyed and still enjoys a wider circulation in the city of Weston than any other daily paper. The caption of the article in which the foregoing quotation appears is in large black-face type and in these words: "Holt, of Weston, Spurns United States Flag as Socialists Cheer Him." The last paragraph of the article in question says:

Thomas Williams, of California, was hissed from the rear of the convention hall when he declared that he was an American. He said that the convention was too pro-foreign to do justice to Americanism and openly showed its pro-Germanism.

In order to refresh the memory of Senators concerning the extraordinary state of public opinion at the time Mr. Yoke is accused of having maligned Dr. Holt, attention is invited to a photostatic copy of the front page of the Clarksburg Exponent for the 3d day of April 1917—just before we entered the war—which contains, among other things, the banner announcement: "Pacifist Knocked Down by Senator Lodge When He Passes Lie to Him." Under that banner is the following—and I am sorry that the junior Senator from Massachusetts, who is a blood relative of the renowned historian and statesman, the late Henry Cabot Lodge, is not present at the moment to hear what I am about to read.

Pacifism and patriotism clash in the Capitol today on the occasion of the gathering of the new Congress.

It was a verbal clash in the earlier hours of the morning, when the throngs of peace advocates assembled about the great white pile on the hill and began their series of buttonholing attacks on the legislators but it culminated toward the middle of the afternoon in actual fisticuffs when the dignified Senator Lodge, of Massachusetts, resented parodies on the lips of one of the buttonholers and called him a liar.

Alexander Bannward, of Boston, accompanying Mrs. Anna May Peabody, of Cambridge, had stopped at the Senator's private office in the course of the presentation of arguments to legislators. Senator Lodge politely told Bannward that he thought he needed no information as to the attitude of Massachusetts in the present international emergency.

"Anyone who wants to go to war at a time like this is a coward," Bannward hissed to the Senator.

Meaning Senator Lodge.

"You are a liar," crisply enunciated Senator Lodge.

By way of further acquainting Senators with the resentful environment in which Mr. Yoke made his alleged unkind re-

marks about Dr. Holt, I now read from the leading editorial in the Exponent for the thirteenth day of April 1917:

#### AN UNDERHANDED "HOLT"

"I sent my boy to South America so that he would not have to go to war," quoth Dr. M. S. Holt in a speech at St. Louis, April 11, 1917.

The Exponent is not prone to dignify traitors to the flag of this Nation with editorial discussion, but Dr. Holt lives and enjoys the blessings of freedom in our neighboring city of Weston, W. Va., and we take notice of his anti-American statements, as they were wired to the Exponent by the St. Louis Republic, on the same basis that it is sometimes necessary for a gentleman to step aside long enough to kick a dog!

But first let us give the predicate: "In a dramatic appeal to the gathering not to assist the United States in its war with Germany, Dr. M. S. Holt, of Weston, W. Va., today addressed the meeting of Socialists in convention at the Planters Hotel and was loudly cheered when he stated that he would not let his boy fight for the Stars and Stripes," says the dispatch from the Republic.

"I do not believe that the state can last in which Jesus and Judas have equal weight in public affairs," declared Carlyle to an American clergyman. The Exponent sometimes wavers in its faith of the perpetuity of American institutions when travesties on mankind are allowed to rear on their hind legs and deliberately insult the American flag even while that flag is being fired on by a hellish foe abroad and abused and dragged in the mire by copperheads, traitors, renegades, perfidious and disloyal folk like Holt at home.

We are a bit amazed at Weston folk—rather astonished that they permit a nuisance to go unabated in their midst. Are Westonians, yea West Virginians losing their patriotic pep? Has the unmatched, unafraid spirit of Stonewall Jackson, George A. Custer, Lewis Wetzel, and many thousand others who have marched from this domain in every war that the Nation has faced right up into the jaws of hell to fight for the old flag that makes such damnable counterfeits as M. S. Holt free, dead?

If the people of Weston do not keep M. S. Holt's son in South America and put a curb bit on M. S. Holt himself when he shows up there after he spilled that diarrhea of bunk and damnation in St. Louis, we shall be still more amazed. Any man who would utter such sentiments against the Nation that protects him when it is at war with a foreign foe should be strung up by the thumbs and attended to with a baseball bat.

The Exponent is not a hell-bender for war, but it is distinctly and everlastingly for the old flag, as Stephen Decatur once said, right or wrong—and the Exponent hopes that if it ever falls so low as to utter anything on the order of this flannel-mouthed copperhead of Weston that its tongue will cleave to the roof of its mouth and that its good right arm shall wither and die!

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BAILEY. The Senator is reading the newspaper statement. I wish that statement would be considered in the light of the statement made by Senator Holt appearing at the bottom of page 6 in the report:

Senator Holt. Of course, I realize the purpose of the evidence is to raise the question of patriotism and make it appear that my brother went to South America to get out of war. My brother did go to Mexico, but he enlisted in the draft and served in the United States Army, and has a very high recommendation from the Chief of Engineers of the United States for the work he did in the building of such camps as Camp Sherman, Camp Ticonderoga, and many other camps in the United States. My father was against the war, but he has emphatically said, not once but many times, that the statements attributed to him such as were alleged to have been made in St. Louis were not true statements.

So the young man did go to war.

Mr. NEELY. Yes; he did; and if I have time I shall read from a letter which states that Matthew Holt, the son in question, came back from South America, to which he had fled, when the feeling was running even higher against him than it ran in the month of April 1917, and became a member of a noncombatant organization, namely, the Engineering Corps. The only intimation that I have that he served with distinction is contained in the statement that has just been read by the Senator from North Carolina.

I beg the Senate to believe me when I assert that I have read this newspaper article not for the purpose of disparaging Senator Holt or his family.

I again digress long enough to say that no man ever had a finer mother than has Senator RUSH HOLT, but I cannot afford to have an innocent man crucified on the charges that are made against Roy Yoke in the circumstances of this case, no matter how noble the mother of the prosecutor may be.

Whether one voted for entrance into the war, as I did, or stood on the side lines and extolled it or condemned it in those feverish days of 1917—now, with 20 years' experience crying out to every sane man and woman in this weary old world with

the voice of an archangel that modern warfare is hell-born disaster to the human race and that it never settles any question right—those of us who voted for it 20 years ago would not vote for it in similar circumstances now. We would profit from the wisdom of this body's greatest Member, Senator NORRIS, of Nebraska, and the wisdom of that other equally great man—as great as any other that ever sat in this Chamber—the beloved "Battle Bob" La Follette, of Wisconsin, who so well knew and so clearly proved that we ought to stay out of the World War.

Many of us now wish that we also had voted against the war instead of voting for it. But I appeal to those who opposed it; even to those who may have shared the views of Dr. Holt, to put themselves in the place of Roy Yoke at the time he criticized the doctor 5 days after the war had been declared. If a man with the venerable Senator Lodge's habitual self-control was swept away, by the deluge of patriotic passion which was raging all over the land, to the extent that he had a fist fight with one of his pacifist constituents, who will dare to condemn Roy Yoke, who, in the enthusiasm of young manhood, is charged with having said, 5 days after we entered the war, that one should be shot or hanged as a traitor because of his opposition to this country in that great struggle?

Mr. BONE. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BONE. As I read this record it is not quite clear whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war. Did he?

Mr. NEELY. No, Mr. President.

Mr. NORRIS. Mr. President, it is impossible for us on this side of the aisle to hear what the Senator from Washington is saying.

Mr. BONE. Mr. President, I was asking the Senator from West Virginia whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war.

Mr. NEELY. No; he was the head of a family at that time, as he is now.

Mr. President, I implore Senators to vote on this question in the light of the situation that existed on the 12th day of April 1917. In every community in the land banners were waving, bugles were sounding, drums were throbbing, and patriotic speeches were being made on every corner. Every band was playing the wild, weird music of war.

Four million American boys who were not too proud or too cowardly to fight, whose fathers would not send them to South America to prevent them from defending the flag—4,000,000 boys in the morning time of life, with every door in the world of infinite opportunity open wide to receive them, with every breeze bringing them promises of future glory—unlike Dr. Holt's boy Matt—came forward from the quiet walks of peace and laid their last hope and their last ambition upon the altar of their country and went forth to sacrifice, to suffer, and to die for the honor of their native land.

They went beyond the sea to battle for America and the great Government for which it stands—until German Kaiser, Austrian Emperor, and Turkish Sultan had been conquered or scourged from their blood-stained thrones, and the peace of the world had been reestablished upon a foundation which we all then believed or hoped would be as enduring as the everlasting hills.

No matter how unspeakably disappointed we have been by the results of that war; in spite of the fact that we now know there is no finality in any decision that is rendered by roaring cannon or piercing bayonet or poisonous gas; although we now know that those who live by the sword must sooner or later die by the sword, we did not know it then.

The statements attributed to Mr. Yoke concerning Senator Holt's father would, of course, be offensive to any son who had even a scintilla of self-respect; but the people of West Virginia are always generous; they forgot the charges that were made against Dr. Holt; they forgot that his son had been sent to South America or had gone there to evade service in the Great War. The wounds which had been inflicted in the time of strife had long since healed, and, so far as anything that

had transpired in that great struggle was concerned, West Virginians were at peace with all the members of the Holt family.

Not those who nailed the Savior to the cross inflicted the greatest pain upon the only perfect Man, but the miscreant who stuck the spear into his Savior's suffering side was the one who caused him the greatest agony and heaped the greatest infamy upon himself and the human race to which he belonged. The young man from Weston has, as a result of the hatred he has carried smoldering in his breast for more than 20 years, by means of this contest, given more publicity to the alleged disloyalty of which his father was long the storm center than could have been given it in any other manner in a hundred years.

In all the extraordinary friction there has been between the junior Senator from West Virginia and me, I have never assailed him here and shall never do so, except in self-defense.

I have never washed the soiled political linen of my State in this Chamber, and I hope that I may never willingly descend to that degrading conduct. But I must say that I would not, for all the gold in the world, have thrust the spear of unfavorable and humiliating notoriety into my father's side as it has been thrust into the side of Dr. Holt by the action of his own flesh and blood in this unhappy and unnecessary controversy.

Mr. Da Costa Smith, who was in 1917 a member of the board of education in Weston and also a member of the draft board of Lewis County, writes me that until the Senator's charge appeared in the newspapers he had never heard it and that he did not know anybody in the city of Weston who ever had heard that Mr. Yoke had been accused of saying that Dr. Holt should be stood up against a stone wall and shot or that he should be hanged.

I have a letter from another teacher of the Weston school to the effect, that while he knows nothing about what Mr. Yoke may have said to the teacher whose statement the junior Senator from West Virginia has read, Mr. Yoke did on one occasion, in an assembly, state to the teachers, "I want you, if possible, to give every member of the Holt family a passing grade."

Today, in spite of what has been said in disparagement of Mr. Yoke, in spite of the fact that he has been accused of having drunk intoxicating liquor in days gone by, I assure the Senate that he has been a teetotaler for a number of years.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. NEELY. Yes.

Mr. HATCH. It is a point in which I am very much interested, and I was called out when the senior Senator from West Virginia was speaking, and I do not know whether he touched on it. I desire to know if there has been any serious objection raised as to the qualification and fitness of this man to hold the office. Has any one raised any question on that point?

Mr. NEELY. No; the only objections are those that have been stated here this afternoon.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. NEELY. Yes.

Mr. BONE. To those of us who know nothing of conditions in West Virginia, it seems logical to assume that whatever bitterness and controversy grew out of the conditions the Senator describes all of that bitterness and that controversy seem to have abated and become completely cold, in light of the fact that the son of Dr. Holt was elected to the United States Senate from the State of West Virginia. That would seem to indicate that, if any bitterness existed there, it has long since ceased to exist. Am I right in so assuming?

Mr. NEELY. That is entirely true.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. NEELY. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. What I wanted to inquire about was touched on by the Senator from New Mexico [Mr. HATCH].

Of course, all of us who are old enough to have observed anything that occurred during the World War, those of us who were here in Congress and who voted for or against the declaration of war can recall the high tension that existed at that time, 20 years ago, among those who favored our entry into the war and those who opposed it. I suppose there is scarcely a county in the country in which there were not large or small groups of people who were not in sympathy with the policies of President Wilson leading up to and at the time we entered into the war and subsequent thereto, and in which there were not the same sort of bitter controversy and denunciation which seem to have existed in West Virginia.

Of course, many people, I dare say, then said things and gave utterance to sentiments in the high tension of the war atmosphere that they would not now repeat or which they have since then regretted. But, casting that aside, I should like to know a little more about what this man has been doing, what his occupation has been since the war and during the last 18 or 20 years. What has his occupation been? What has he done that would indicate his qualifications for the position to which he has been nominated?

Mr. NEELY. I stated that earlier in my address, but evidently the Senator from Kentucky did not hear me.

Mr. BARKLEY. The Senator said that following this incident Mr. Yoke remained for 9 years superintendent of schools in Weston. Was that by popular election or by the action of the board?

Mr. NEELY. That was by election by the board of education, the personnel of which changed many times during the 9 years, and on seven of those occasions, according to my reports, Dr. Holt vigorously opposed Mr. Yoke's election as superintendent of schools.

Mr. BARKLEY. How were the members of the board of education selected?

Mr. NEELY. They were elected by the people.

Mr. BARKLEY. Following the 9-year period during which Mr. Yoke was superintendent of public schools in Weston, what has he done since then?

Mr. NEELY. For the next 10 years he was the executive secretary of the alumni association of West Virginia University, and the service of that official was to further the interests of the West Virginia University, to visit high schools and urge graduates to go to the university to complete their education. For that service the legislature appropriated a substantial salary.

Mr. BARKLEY. How was he selected for that position?

Mr. NEELY. He was selected by the vote of the alumni association, made up of people of every shade of political opinion and religious belief.

Mr. BARKLEY. Was that a position which was supposed to have some connection with the university and its advancement?

Mr. NEELY. The sole purpose of that office was to further the interests of the West Virginia University.

Mr. BARKLEY. That accounts for 19 years since 1917. Since he relinquished that work with the university what has been his occupation?

Mr. NEELY. In the fall immediately following the time when the legislature ceased to make an appropriation to pay the salary of the executive secretary of the alumni association Mr. Yoke became a candidate for membership in the House of Delegates of West Virginia, and he was elected in Monongalia County by a greater majority than any other member of his party had ever received.

He served through a full session of the legislature. Before the expiration of his 2-year term he was made chief deputy revenue collector for the State of West Virginia, and Mr. Commissioner Helvering says that in this office he was efficient and that his services were entirely satisfactory to all concerned.

Mr. BARKLEY. Did he hold that position until he was nominated by the President for the position of collector of internal revenue?

Mr. NEELY. He held that position until he was given the nomination which is now before the Senate for confirmation.

Mr. President, let me make this brief reply to the deduction that might be drawn from the statement of the junior Senator that nobody else in West Virginia whom he could now think of would be opposed by him on the ground of personal obnoxiousness. Regardless of how that may be, the members of the Post Office Committee know that during the last session, which ended just before Christmas, there were 12 postmasters nominated from West Virginia. And by the way, I see one of the distinguished Members of the other House, Mr. RANDOLPH, on whose recommendation one of those nominations was made by the President, now sitting in the rear of the Hall.

Those nominations were sent here for confirmation. The junior Senator from West Virginia, who was at Weston, and who was reported ill, by telegraph or otherwise called on the Senator from Tennessee [Mr. McKELLAR], the chairman of the committee, to hold up every one of them until he could return here, presumably to resist them.

After a month of waiting for the objections that never came, the Senator from Tennessee sent to the junior Senator from West Virginia a message to the effect that unless specific objections were made, confirmation would be in order. I saw the answer which the junior Senator from West Virginia sent to the Senator from Tennessee. I shall not attempt to quote its exact words, but, among other things, it said in effect:

Your cheap political message received.

Please transport yourselves on the wings of imagination for a moment to a former session of the Senate. When the members of the Bituminous Coal Commission were appointed, the junior Senator from West Virginia for days held up the confirmation of all of them, despite the fact that only one of the number was from West Virginia.

When, on my recommendation, Harry Watkins, one of the best qualified and most deserving men of West Virginia, was nominated for judge of a district court of the United States for West Virginia, the junior Senator refused to give his permission to have the nomination brought to the floor of the Senate until after it had lain before the Committee on the Judiciary for the period of 7 days, required by the rule.

If the objections to Mr. Yoke are sustained, then, during the continuance of the junior Senator from West Virginia in this body—which will be until January 1941—no one should hope to have confirmed a single nomination of a member of the American Legion from West Virginia, because there is probably not a Legionnaire in the State who has ever heard of Dr. Holt's opposition to the war after we had entered it who has not said at least as much as Mr. Yoke said against the Senator's father; and many of them have said much more, and in language that could not be repeated here without violating the rules of the Senate.

In my opinion, there are not 500 persons in the county in which Dr. Holt lives against whom there could not be made the same charges and the same objections that have been made against Mr. Yoke. In my opinion, there are not 2,000 persons in the State of West Virginia who had reached the age of maturity at the time of the World War against whom the same or more vigorous charges could not be truthfully made.

Members of the Senate, for 13 years I have served in this body with a large number of those present. For more than 21 years I have served with a number of you, here and in the House of Representatives. Without attributing to myself—the most erring creature on earth—a single virtue, I earnestly ask those of you with whom I have served whether my conduct or my relationship with you has been such as to impel you to vote against Mr. Yoke, whom I have chosen, and thereby cause my constituents to propound to you the inquiry: "Is our servant the senior Senator a dog, that in the circumstances of this case you have embarrassed him by helping to satisfy an unholy longing for revenge that has been harbored against a noble man for 20 years?"

Do not be deceived about an alleged injury to one's father 20 years ago. Roy Yoke is the father of three children—one, a beautiful young lady in West Virginia University, soon to be graduated from that institution; another, a young man soon to be graduated from high school; another who is in a grammar school. Think of these children and their father when you vote. Last Sunday Mr. Yoke's mother celebrated her eighty-second birthday. Do not commit an unpardonable sin against those children and that 82-year-old mother and the talented, faithful wife of Roy Yoke by voting against a father, son, and husband whom they dearly love.

Let me entreat you not to vote for revenge—an all-consuming passion for which has destroyed the young man's health and kept him in the hospital much of the time since he was elected to this body; a passion which, if perpetuated, will cost him his life before he has lived out half of his allotted three score years and ten.

Let me implore you, in the words of the Prophet Amos, not to turn judgment to wormwood in the Senate this afternoon, but to let judgment run down as waters, and righteousness as a mighty stream.

Mr. BAILEY. Mr. President, the chairman of the Committee on Finance designated me to make this adverse report to the Senate. I rise to sustain the report.

There are only two questions involved here, and there can be only two questions. One is, Did Mr. Yoke make the statement attributed to him and complained of by the junior Senator from West Virginia [Mr. Holt]? The other is, Was the statement sufficient to justify the objection of personal obnoxiousness? The lapse of time, the relationship of the Senators, the sentimental appeals, are all out of the window, so far as I am concerned.

Let me take the first question first. Did Mr. Yoke make the statement? There is no question that he did. Here is the record. Here is the testimony of the complaining Senator:

I am objecting to him on the ground of personal obnoxiousness.

Here is the accusation:

Mr. Yoke was superintendent of schools in Weston, W. Va., my home city, when I was a child. He and my father became enemies. That was about the time of the late World War. My father was opposed to that war and the fact of his opposition was generally known. Although I was only a child—I was just 14 when I graduated from high school—I remember one time when he had an assembly—

That is, Mr. Yoke, the superintendent, had an assembly—and we had one every week in Weston High School, and I went to assembly as part of the school work, this Mr. Yoke got up before the entire student body and made this statement about my father, "Old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall."

Did Mr. Yoke say it? If he said it, I will recall the testimony of the senior Senator from West Virginia [Mr. NEELY] to sustain my proposition that that is personal obnoxiousness. Let us see if he said it.

Here is the testimony in the form of an extract from a letter submitted by the junior Senator from West Virginia before the subcommittee:

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly and even made an effort to get your grades reduced in your classes.

That is simply corroborative. Now, let us see what Mr. Yoke says.

Mr. Yoke does not deny it, but in substance admits it. The senior Senator from West Virginia put this question to Mr. Yoke before the committee:

I do not attempt to quote Senator Holt's words exactly, but I quote what I understand to be the substance of his objection to you, Mr. Yoke. Mr. Holt says that when you were superintendent of the Weston schools in his home town, about the time of the World War, before an assembly of students and public citizens besides, I assume, you made the following statement before the whole crowd [reading]:

"Old Doc Holt ought to be stood up before a wall and shot until his blood stained the wall."

What have you to say about that?

Mr. Yoke. I do not know whether I remember making a statement of that kind; making that statement in the way it was framed.

As much as to say, "The substance of it is true. I did not put it in just those words; the question is not framed right," but he does not deny it.

Senator NEELY. I think we might frankly tell the committee what your feeling was and what your attitude toward Dr. Holt's position with regard to the war was.

Senator KING. I would like to ask him what did he say at that meeting to which Senator Holt referred and to which Senator NEELY also referred.

Mr. Yoke. I cannot remember what I said. I know that I did say some things about the attitude of Dr. Holt during wartime.

Now, let us go further in Mr. Yoke's own testimony:

This is a question from Senator NEELY:

Have you anything further to say about the statement I have made before the committee?

Mr. Yoke. I do not want to convey the impression to the committee I did not criticize Dr. Holt; I did. But I was simply expressing in my futile way the thoughts of the great majority of the citizens of our section of the State out there.

Still no denial, but extenuating on the ground that he was reflecting public opinion.

Senator NEELY. Mr. Holt further stated before you came in, in effect, that you said on either that occasion or some other occasion, and I believe a different occasion, that in time of war disloyal soldiers or spies were not shot but hanged and that Dr. Holt should be hanged; have you anything to say in regard to that?

Mr. Yoke. I think I know procedure well enough to know that spies are shot. If I made any reference to Dr. Holt along that line, I said he should be shot.

In the other statement he had just said that he did make a reference to him. Now he says that if he did make a reference he said he should be shot, so I take it that the man himself stated that he said the father of the junior Senator from West Virginia ought to be shot.

Senator NEELY. You do not deny it?

Mr. Yoke. No, sir; I do not, because I do not remember.

He has remembered now; he has now admitted that if he said anything about him he said he should be shot, and in the other testimony he did say he said something about it, but that he was reflecting the opinion in the community.

Mr. President, that is not all. I read further:

Senator KING (interposing). Do you desire to ask the witness any questions, Senator Holt?

Senator Holt. You admit, Mr. Yoke, that you did abuse and attack my father in Weston?

Mr. Yoke. I admit this: That I said the same things in my way about his war conduct that the other people of that vicinity were saying; if that is abuse and attack, I abused and attacked him.

That is sufficient. We have the testimony of the junior Senator from West Virginia, which is unquestioned; we have the corroboration in the extract of the letter, and there is no contradiction of that, and we have three separate statements from Mr. Yoke himself, in none of which he denies that he made the statement. Taking the three together, we are bound to reach the conclusion that he did say it; at least he himself said that Mr. Holt's father should have been shot.

The question arises at once, Is that sufficient ground for the rejection of the nomination? I come to that on the testimony of the senior Senator from West Virginia, with which I thoroughly agree. As I recall his statement, he said just now that any son of a father would resent a statement such as this attributed to Mr. Yoke concerning his father so long as he had a scintilla of self-respect. I fully agree.

Mr. President, that is all there is here for me to pass on. Was the statement made? The witness accused admits it. Does the statement justify the objection of personal obnoxiousness? If it does not, then let us throw the rule as to personal obnoxiousness out of the window, and never let it come back here again.

So far as I am concerned, that is the whole case.

I do not care to become involved in the difficulties between any Senators. I do think that if we are to sustain the unwritten law of the Senate known as the personal obnoxiousness rule we have to apply it equally here amongst Senators.

Republicans cannot deprive Democrats of its privilege, and Democrats cannot deprive Republicans of its privilege. It is a rule which rises above the courtesies we owe to every Senator. When it is invoked by a Senator, the whole question in my mind is, is his action arbitrary, is it political? If so, I would have a right to reject it. But if it is well founded, then my respect for the Senate rule, a sense of my own self-protection under similar conditions, commands me to sustain the rule.

I take this position with regard to any Senator. It is not a matter of party, it is not a matter of patronage, it has no relationship to patronage. The Senate can make an exception in this case, and if it makes an exception, then it sets a precedent, and I should think that the rule would go.

I rather think it is best that the rule should not go. It has been a rule of the Senate a long time. I have never felt that we should exercise it arbitrarily. I have never felt that a Senator should have the right to deprive a man of an appointment just as a matter of his own will, but I do feel that when an appointment is sent to the Senate from a State and either Senator from the State files an objection based on personal obnoxiousness and reasonably sustains it, the whole rule is at stake, and we cannot judge between Senators.

I pass no judgment here between these two Senators. I am not taking sides against the senior Senator. I am merely taking sides for the equal application of the rule. I would take sides in behalf of the junior Senator from West Virginia as quickly as I would for any other Senator, but no more quickly.

If I am right about this, we have no recourse but to sustain the adverse report of the committee.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia?

Mr. NEELY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. AUSTIN (when his name was called). I announce my general pair with the Senator from Louisiana [Mr. OVERTON] and withhold my vote.

Mr. CONNALLY (when his name was called). On this vote I have a pair with the Senator from Ohio [Mr. BULKLEY], who is absent. If the Senator from Ohio were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. JOHNSON of Colorado (when his name was called). On this vote I am paired with the junior Senator from Kentucky [Mr. LOGAN]. If the Senator from Kentucky were present and permitted to vote, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. McKELLAR. I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], which I transfer to the junior Senator from New Jersey [Mr. SMATHERS], and vote "yea."

Mr. McNARY (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. LEE]. Not knowing how he would vote, in his absence, I withhold my vote.

Mr. STEIWER (when his name was called). On this vote I have a pair with the senior Senator from Maryland [Mr. TYDINGS], who is detained from the Chamber. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent from the Senate because of illness.

The Senator from Colorado [Mr. ADAMS], the Senator from Ohio [Mr. BULKLEY], the Senator from Missouri [Mr. CLARK], the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Kentucky [Mr. LOGAN] are unavoidably detained.

The Senator from New York [Mr. COPELAND], the Senator from Connecticut [Mr. MALONEY], and the Senator from Montana [Mr. WHEELER] are detained in committee meetings.

The Senator from Georgia [Mr. GEORGE], the Senator from Connecticut [Mr. LONERGAN], and the Senator from Georgia [Mr. RUSSELL] are detained in Government departments.

The Senator from Ohio [Mr. DONAHEY], the Senator from Oklahoma [Mr. LEE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are absent on important public business.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Rhode Island [Mr. GREEN].

The Senator from Pennsylvania [Mr. DAVIS] has a pair with the Senator from Connecticut [Mr. MALONEY]. The Senator from Pennsylvania is necessarily absent.

Mr. LA FOLLETTE. On this vote I have a special pair with the junior Senator from Delaware [Mr. HUGHES], who is detained from the Senate on account of illness. I am advised that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The result was announced—yeas 46, nays 15, as follows:

#### YEAS—46

|              |           |          |               |
|--------------|-----------|----------|---------------|
| Andrews      | Dieterich | McAdoo   | Radcliffe     |
| Ashurst      | Duffy     | McGill   | Reynolds      |
| Bankhead     | Ellender  | McKellar | Schwartz      |
| Barkley      | Gibson    | Miller   | Schwellenbach |
| Berry        | Gillette  | Minton   | Sheppard      |
| Bilbo        | Guffey    | Moore    | Thomas, Okla. |
| Bone         | Hatch     | Murray   | Thomas, Utah  |
| Brown, Mich. | Hayden    | Neely    | Truman        |
| Brown, N. H. | Herring   | Norris   | Van Nuys      |
| Bulow        | Hill      | Pepper   | Wagner        |
| Caraway      | Hitchcock | Pittman  |               |
| Chavez       | Lewis     | Pope     |               |

#### NAYS—15

|         |         |                 |          |
|---------|---------|-----------------|----------|
| Bailey  | Byrnes  | Harrison        | Lodge    |
| Bridges | Frazier | Holt            | McCarran |
| Burke   | Gerry   | Johnson, Calif. | Smith    |
| Byrd    | Hale    | King            |          |

#### NOT VOTING—35

|          |                |           |            |
|----------|----------------|-----------|------------|
| Adams    | Donahey        | Loneragan | Smathers   |
| Austin   | George         | Lundeen   | Stelwer    |
| Borah    | Glass          | McNary    | Townsend   |
| Bulkley  | Green          | Maloney   | Tydings    |
| Capper   | Hughes         | Nye       | Vandenberg |
| Clark    | Johnson, Colo. | O'Mahoney | Walsh      |
| Connally | La Follette    | Overtton  | Wheeler    |
| Copeland | Lee            | Russell   | White      |
| Davis    | Logan          | Shipstead |            |

So the nomination of F. Roy Yoke to be collector of internal revenue, West Virginia, was confirmed.

Mr. BANKHEAD. Mr. President, I move that the vote by which Mr. Yoke's nomination was confirmed be reconsidered.

Mr. NEELY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

#### LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative business.

#### RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 12, 1938, at 12 o'clock meridian.

#### NOMINATION

*Executive nomination received by the Senate Tuesday, January 11 (legislative day of January 5), 1938*

#### THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Eilenberger, deceased.

### CONFIRMATIONS

*Executive nominations confirmed by the Senate January 11 (legislative day of January 5), 1938*

#### THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black to be Third Assistant Postmaster General.

#### COLLECTOR OF INTERNAL REVENUE

F. Roy Yoke to be collector of internal revenue for the district of West Virginia.

#### WORKS PROGRESS ADMINISTRATOR

Will G. Metz to be State administrator in the Works Progress Administration for Wyoming.

#### INTERSTATE COMMERCE COMMISSIONER

Charles D. Mahaffie to be an Interstate Commerce Commissioner.

#### RAILROAD RETIREMENT BOARD

Murray W. Latimer to be a member of the Railroad Retirement Board.

#### POSTMASTERS

##### NEW JERSEY

Peter J. Egan, Montclair.  
William Dudley Carleton, Ringwood Manor.  
Walter W. Lance, White House Station.

##### NEW YORK

Frances H. Courtney, Wilmington.

## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 11, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite God, out of the vastness of a Father's love let there come patience to still us, strength to help us, and faith to guide us. O love unmeasured, restrain us from making the downward step; in humility of soul and in the spirit of sacred awe may we touch the hem of Thy holy garment. Life's final achievement is to grow in grace and in the knowledge of our Lord and Savior. We pray Thee in these days as we turn the bend in our Nation's history to bless us with a strange power that shall enable us to set problems in their right relation. O wisdom of God, come throbbing in upon the present and unfold to us Thy long, long purpose for humanity. May our country be led into Thy righteous morning, and let all discouragements spend their sighs upon the night winds. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### RESIGNATION OF MEMBER

The SPEAKER. The Chair lays before the House the following resignation:

JANUARY 11, 1938.

HON. W. B. BANKHEAD,

*Speaker of the House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I beg to inform you that I have this day transmitted to the Governor of Alabama my resignation as a Representative in the Congress of the United States from the Second District of Alabama.

Respectfully,

LISTER HILL.

#### RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation from committee:

JANUARY 8, 1938.

The Honorable WILLIAM B. BANKHEAD,  
*The Speaker, House of Representatives.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on World War Veterans' Legislation.

Respectfully,

CHARLES A. BUCKLEY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

#### BOARD OF VISITORS, COAST GUARD ACADEMY

The SPEAKER. The Chair lays before the House the following letter from the chairman of the Committee on Merchant Marine and Fisheries:

JANUARY 6, 1938.

HON. WILLIAM B. BANKHEAD,

*Speaker of the House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: Pursuant to the act of April 16, 1937 (Public, No. 38, 75th Cong., 1st sess.), I have appointed for the remainder of the third session of the Seventy-fifth Congress the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy: HON. LINDSAY C. WARREN, HON. EDWARD J. HART, HON. RICHARD J. WELCH.

As chairman of the Committee on Merchant Marine and Fisheries I am authorized to serve as an ex officio member of the Board.

Yours very sincerely,

S. O. BLAND, *Chairman.*

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that on tomorrow after completion of the legislative program for the day I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### LEAVE OF ABSENCE

Mr. BUCK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUCK. Mr. Speaker, on yesterday, due to his sense of patriotic duty, my colleague, the gentleman from California, Mr. COSTELLO, appeared in the House to vote on a measure of the utmost importance to the Nation. By doing so he undoubtedly canceled the indefinite leave of absence which has been granted him heretofore.

Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COSTELLO] may be granted further indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I make the same request on behalf of the gentleman from Georgia, Mr. WHELCHER, who appeared yesterday under similar circumstances.

The SPEAKER. Without objection, indefinite leave of absence will be granted to the gentleman from Georgia [Mr. WHELCHER].

There was no objection.

#### EXTENSION OF REMARKS

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Illinois [Mr. LUCAS] may be permitted to extend his remarks in the RECORD by including an address delivered by the Honorable Louis Johnson, Assistant Secretary of War, at Los Angeles on January 5.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the recent so-called Andrew Jackson dinner.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### ANNOUNCEMENT

Mr. OLIVER. Mr. Speaker, I wish to announce that my colleague the gentleman from Maine, Mr. SMITH, was unavoidably detained from the session of the House yesterday because of illness. I was unable to obtain a live pair for him in support of the resolution to discharge the Rules Committee from consideration of the Ludlow resolution. Had he been present he would have voted "yea" on that resolution.

## EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, the annual report of the Acting Comptroller General of the United States, which was referred to the committee of which I am chairman, severely criticized several governmental agencies, including the Treasury Department. The Secretary of the Treasury has sent me a letter replying to that criticism. I have only one copy of the letter. Considerable publicity was given to the Acting Comptroller General's report. Therefore, in a spirit of fairness, I ask unanimous consent that I may be permitted to place in the RECORD the reply of the Secretary of the Treasury. It is not my purpose at the moment to make any comment on the controversy between the Acting Comptroller General and the Secretary of the Treasury, but certainly there can be no objection to the public getting both sides of the questions at issue.

Mr. RICH. Mr. Speaker, reserving the right to object, I say to my colleagues from Missouri, that if the President would appoint a Comptroller General so that we would have a man in that office that has been filled for 15 years, a man who knows he can criticize without fear of reprisal any of the departments when he sees something that needs criticism, that he may fearlessly say what he means, the President would be doing something really worth while; but he does not want to have these departments criticized. He refuses, therefore, to make the appointment. I think the President ought to be jacked up by the gentleman's committee and requested to appoint a Comptroller General of the United States so these accounts can be audited.

Mr. COCHRAN. It looks as though the gentleman from Pennsylvania is doing the jacking up. I have no desire to even attempt to tell the President what to do. No doubt he has good reasons for the course he is following.

Mr. SNELL. Mr. President, reserving the right to object, I shall have no objection to the gentleman's putting in the reply of the Secretary of the Treasury provided at the same time he puts in the recommendations made by the Acting Comptroller General. If one is going into the RECORD the other ought to go in.

Mr. COCHRAN. I am perfectly willing to do that.

Mr. SNELL. If the gentleman is going to put the reply in, he should put the recommendations of the Acting Comptroller General in, and they should appear first. I hope the gentleman will modify his request.

Mr. COCHRAN. Mr. Speaker, I modify my request in keeping with the suggestion of the gentleman from New York and ask unanimous consent that I may be permitted to place in the RECORD the statements contained in the annual report of the Acting Comptroller General referred to and the reply of the Secretary of the Treasury.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Philadelphia Record of today bearing on the vote of the House on the Ludlow resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address given by the Honorable Louis Johnson, Assistant Secretary of War, at San Francisco, Calif., on January 6.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. TABER. Mr. Speaker, reserving the right to object, someone else made the same request a few minutes ago.

Mr. THOMPSON of Illinois. Mr. Speaker, in reply to the gentleman from New York [Mr. TABER], I may say I made a request on behalf of my colleague the gentleman from Illinois [Mr. LUCAS] to insert a speech delivered by the same official at Los Angeles, Calif.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Mr. Ickes and Mr. Eccles, all three separately.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Mr. Speaker, reserving the right to object, are these the remarks made by Mr. Ickes on the 60 families?

Mr. MAVERICK. No; that is already in the RECORD.

Mr. RICH. I thought it was, but I wanted to call attention to that fact, because I did not want to get it in a half dozen times. It is not worth printing more than once.

Mr. MAVERICK. I am glad the gentleman admits it is worth printing once. In any event, it has been inserted in the RECORD already for the information of the American people.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## REHABILITATION OF THE AMERICAN MERCHANT MARINE

The SPEAKER. Under a previous order, the gentleman from California [Mr. DICKWEILER] is recognized for 3 minutes.

Mr. DICKWEILER. Mr. Speaker, in Monday morning's press I noticed that much space was devoted to the announcement that a huge shipbuilding program to rehabilitate the American merchant marine would be immediately undertaken by the Maritime Commission set up under the terms of the Merchant Marine Act of 1936, and that, among other things, Joseph P. Kennedy, Chairman of that Commission, stated \$110,000,000 would be spent for the construction of 53 ships. Even this number of passenger and freight ships, he said, might eventually be increased to perhaps 63 ships through long-term subsidy agreements.

In any event, Mr. Speaker, this program represents the greatest shipbuilding program in America's peacetime history and will be a boon to shipyards and their workers. It is proposed that these ships, which are to be placed in foreign trade, replace the slow, worn-out vessels in use today, many of which were built during the World War.

Mr. Speaker, coming as I do from the Pacific coast and from the city of Los Angeles, which has the reputation of possessing one of the largest and finest harbors in continental United States, through whose portals come in and out such a volume of trade in tonnage and in value as to place Los Angeles Harbor second only to New York, you may readily understand that I am intensely interested in the upbuilding of the merchant marine of the United States; but I am more particularly interested in two important results that will flow from this rehabilitation of our merchant marine.

First, if this program is carried out according to the letter of the Merchant Marine Act of 1936, the people of the United States should have at the conclusion of this building program a line of subsidiary vessels that will serve a most important need of the Navy and supply a most important part of our national-defense program in this country. No thinking citizen will gainsay the fact that the Navy will find it necessary, not only in peacetime but more particularly, of course, in time of emergency, to have at hand such auxiliary fast freight and passenger steamers as the present advancement of shipbuilding can produce. In other words, at this particular time, with international affairs and relationships tense, we must bend every effort to improve and implement our national defense; and so, as before, I do again commend the Congress of the United States upon the enactment of the Merchant Marine Act of 1936, and I commend the President of the United States upon his selection of good and worthy men who serve as members of this Commission, and more

particularly Mr. Joseph P. Kennedy, who has shown great ability and discernment in modeling the program of this Commission.

Second, upbuilding the merchant marine will employ hundreds of thousands of artisans and workers who have been out of employment since shipbuilding has been on the decline. At the present moment we are in the midst of a recession in business. The launching of this shipbuilding program will do much to stop that recession and set in motion the wheels of employment in the shipyards and in industries related to shipbuilding. At the present moment may I say I am more interested in the question of reemployment of the shipyard workers, who have been idle for many months or for even many years, than I am immediately concerned with the other benefits that might flow from this program. We on the Pacific coast have several splendid shipbuilding concerns. We on the Pacific coast have had the experience of building ships from the mightiest to the lowest. We have built for this Nation her battleships, her cruisers, submarines, and destroyers, and if we can do these things for the United States Navy I am certain that we can undertake the building of such passenger and freight ships, tankers, and such other subsidiary types of ships as are called for in this splendid program announced by Mr. Kennedy.

But, Mr. Speaker, somehow or other the shipyards of Bremerton, Wash.; of Portland, Oreg.; of San Francisco, of Los Angeles, and San Diego, I am fearful, will be overlooked, if not entirely ignored, in this program. We have an executive organization for building such ships, and down from this executive organization to the very lowliest shipworker we have such people, one might say, walking the streets of the principal Pacific coast cities, capable, ready, and willing to undertake to do their share in this important program. But I might almost predict, if my prediction is worth anything, that not a single ship of the 53 or 63 proposed to be built, as announced in this morning's press, will be built on the Pacific coast; nor will any of the 12 cargo ships, on which bids have been asked by the Maritime Commission and on which eighteen to twenty-three million dollars will be spent; or any of the 12 high-speed tankers which the Commission will help the Standard Oil build be constructed in Pacific coast shipyards. This is going to be regrettable not only from the economic viewpoint of business on the Pacific coast, not only because we of the Pacific coast should be permitted to have a hand in upbuilding the national-defense program of this country, but more especially, Mr. Speaker, because we will be denied the right to employ so many good men who might otherwise be employed and taken from the ranks of the unemployed today on the Pacific coast.

Now, Mr. Speaker, I am going to direct my remarks to what I conceive to be the most essential part of this address. What I have said thus far is to demonstrate to the Members of the House of Representatives, as well as the Nation and the executives in charge of this merchant-marine program, that the Pacific coast will in all likelihood receive none of the benefits of this wonderful construction program and, after a careful perusal of the act, I doubt very much whether the language of the act permits the Commission to really let contracts on the Pacific coast. I doubt whether, under the terms of the Merchant Marine Act of 1936, the Commission will find themselves in a position to let contracts readily on the Pacific coast for various and sundry reasons, and I am confident that the Commissioners would wish to permit the shipbuilding yards or such new industries as might be developed for shipbuilding to have some of this business. But I assume that the competition will be spirited and exacting so far as the Atlantic coast shipbuilders are concerned and we on the Pacific coast will be again slighted and prevented from building ships. So, Mr. Speaker, after a careful perusal of the statute, I have come to the conclusion that there is only one way to enable the Maritime Commission of the United States to favor the Pacific coast in the building of ships of the various categories that are intended now to be built or may be built in the future. That way is to compel the Commission to award Pacific coast shipyards a certain

percentage of the moneys to be spent. So far as this percentage is concerned, its expenditure should be confined to Pacific coast area shipyards, and bids for construction should be limited to the lowest responsible bidder on the Pacific coast. If we do this thing, then both Pacific and Atlantic coasts will have their share of construction, and workers on both the Pacific and Atlantic coasts, whose years of experience have been devoted to shipbuilding will be reemployed.

I have this date introduced a bill proposing to amend the Merchant Marine Act of 1936, under the simple terms of which, whenever the Maritime Commission allocates moneys to be spent for ship construction in any category, 40 percent of such moneys or approximately that percentage thereof, shall be allocated for ship construction on the Pacific coast and in Pacific coast shipyards, irrespective of the additional cost that might be entailed in building the ships there, or irrespective of the comparative cost of building ships there as compared with the Atlantic coast, and that such bids shall be accepted and approved which represent the lowest and best qualified bidder of the Pacific coast group of shipyards.

Now, Mr. Speaker, I believe that every Member of Congress wishes to be fair, and I believe the people of the United States wish to be fair in this matter, and, working on that assumption, I have proposed this amendment, and I trust that the appropriate committee of Congress will give its very serious consideration to this amendment and after due consideration will report this measure to the floor of the House so that it may be acted upon by the Congress of the United States in this, its third session, and if the committee approves and the Congress sees fit to consider my proposition as an amendment to the Merchant Marine Act of 1936, we will be serving the national defense of this country and the unemployed, and we will lend appropriate encouragement and subsidy to a most essential industry in this country.

And while on the subject of the Merchant Marine Act of 1936, I wish to call the House's attention to the fact that because of some of the harsh provisions of this act, which has recently gone into effect, most of our fine intercoastal shipping companies will be compelled to withdraw their services in the near future. I have reference to the Panama Pacific Line that operates the steamships *Virginia*, *Pennsylvania*, and *California*; and the Grace Line operating the boats commonly known as the "Santa" boats. These two lines have plied both passenger and freight traffic between New York, Los Angeles, and San Francisco and other Pacific coast ports. In fact, one of them has already ceased to do business with the Pacific coast and, as I recollect, the officers of this company are frank to admit that having to pay the heavy tolls for passage through the Panama Canal and failing to receive any subsidy, whether an operation subsidy or otherwise, they cannot continue to serve the Pacific coast and the Atlantic coast. The officials of these companies have made the statement that even if they were to do a 100 percent passenger traffic business and carry a full load of freight, as they very frequently do, they could not afford to maintain and keep these lines in operation without Government subsidy.

Mr. Speaker, there are bills now pending in the House of Representatives and before the appropriate committee to relieve such intercoastal lines of a portion, if not all, of the Panama Canal tolls and affording such lines relief. Without relief of some sort and appropriate amendment to the Merchant Marine Act of 1936 the Pacific coast will be deserted of this fine intercoastal service. [Applause.]

#### EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein several excerpts as well as a poem on the ratification of the United States Constitution by the State of Connecticut.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

## INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

Mr. DOCKWEILER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from California [Mr. DOCKWEILER] makes the point of order a quorum is not present. Evidently there is not a quorum present.

Mr. WOODRUM. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

## [Roll No. 3]

|                |             |                  |                 |
|----------------|-------------|------------------|-----------------|
| Bates          | Deen        | Jenks, N. H.     | Pearson         |
| Beam           | Dempsey     | Keller           | Pettengill      |
| Biermann       | Disney      | Kelly, Ill.      | Poage           |
| Bigelow        | Douglas     | Kennedy, Md.     | Robertson       |
| Boylan         | Duncan      | Kleberg          | Rogers, Okla.   |
| Buckley, N. Y. | Dunn        | Kniffin          | Sacks           |
| Burdick        | Eaton       | Kvale            | Scrugham        |
| Byrne          | Englebright | Lucas            | Smith, Conn.    |
| Cartwright     | Ferguson    | McGroarty        | Smith, Maine    |
| Celler         | Fitzpatrick | McSweeney        | Smith, W. Va.   |
| Chapman        | Gasque      | Maas             | Somers, N. Y.   |
| Citron         | Griswold    | Mahon, Tex.      | Spence          |
| Cole, Md.      | Harrington  | O'Connell, Mont. | Tinkham         |
| Cole, N. Y.    | Harter      | O'Connor, Mont.  | Vinson, Fred M. |
| Costello       | Hennings    | O'Leary          | Wallgren        |
| Cummings       | Holmes      | Owen             | Whelchel        |
| Daly           | Jacobsen    | Patman           | Wood            |

The SPEAKER. Three hundred and sixty Members have answered to their names. A quorum is present.

On motion of Mr. WOODRUM, further proceedings under the call were dispensed with.

Mr. WOODRUM. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8837, the independent offices appropriation bill, for the fiscal year ending June 30, 1939, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

## NATIONAL LABOR RELATIONS BOARD

Salaries and expenses: For three Board members, and for all other authorized and necessary expenditures of the National Labor Relations Board in performing the duties imposed by law or in pursuance of law, including rent and personal services in the District of Columbia and elsewhere; repairs and alterations; communications; contract stenographic reporting services, and not to exceed \$300 for lawbooks; books of reference; newspapers; periodicals; operation; maintenance and repair of one automobile, \$2,830,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 30, line 16, after the word "automobile" and the semicolon, strike out "\$2,830,000" and insert "\$1,000,000."

Mr. TABER. Mr. Speaker, some people have the mistaken idea that one should not approach the proposition of curtailing a Federal activity which is bad or one which is doing bad work by means of an appropriation bill, but that in these days is the only recourse and the only way the Congress has of curtailing this type of activity.

The appropriation of \$2,830,000 for this Board involves an increase of nearly \$400,000 above last year's appropria-

tion. The appropriation for the National Labor Relations Board last year was supplemented by a deficiency appropriation of about half the total for the current year.

What is the situation that is presented to us? During the period this Board has been in power we have had, as appears on pages 747 and 748 of the hearings, the greatest number of strikes and more labor trouble than this country has ever seen heretofore. This means that the operation of the National Labor Relations Board has been not to smooth over and settle labor disturbances but to foment those disturbances.

The situation became so bad last fall that even the membership of the Board was obliged in October to make a statement saying that no longer were they going to show partiality between the two major labor organizations, the C. I. O. and the A. F. of L. They did not come out, however, and say that they were going to be impartial in the performance of the duties that were entrusted to them by the statute as between the employer and the employee. They did not say, as they should have said, that they were going to try to do away with those practices which have made it almost impossible for industry to function in any way whatever during the last 5 or 6 months.

Unless the Congress intends to take the bit in its teeth and put the brakes on the operations that have been going on so far as this Board is concerned, there will be no protection for the honest laboring man who wants to work, and this includes 85 percent of the employees of the factories of our Nation. There is no protection as between rival organizations. There is nothing but disturbance and the impossibility of putting people to work.

I feel the House should at this time adopt my amendment and cut down the excesses that have been going on in this Board. I feel we should not hesitate to take the responsibility that is placed in our hands under the Constitution of the United States to legislate and appropriate money. We should not because of any squeamish feeling fail to meet this responsibility. We should cut down the operations of this Board so that there may be an opportunity for economic recovery and in order that there may be an opportunity given the people of this country to go to work.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had in mind offering an amendment at this point, but since the gentleman from New York has done so I am not going to offer my amendment. However, I wish to say some things concerning the National Labor Relations Board.

A few years ago I voted for the creation of this Board. I thought at the time that, like a knight in armor in defense of labor, and, like in the old days when the knights and the nobles wrested from King John the Magna Carta, I had done something great and noble for the laboring man of this country.

Unfortunately, I am disappointed. I find there have been more strikes and disorders than ever before in the history of the country since this enactment, and great economic loss, which cannot be estimated.

If the National Labor Relations Board had been thoroughly impartial, if in the conduct of its affairs it had considered the employer, the employee, and the public, I have believed, and still believe, this act had within it the germ of doing what it was the purpose of the act to do, to lessen the disquieting labor relations between employer and employee.

In my congressional district there are several huge plants and factories. I have in my pocket a telegram from one of the organizations of employees in one of these factories, and in it Mr. Rose, president of the Aircraft Workers' Union, states:

Have filed petition with National Labor Relations Board, Los Angeles district, March 30, 1937, for election to determine status and express desires of workers. Have called back numerous times, late as last week, presenting signed cards of over 4,100 workers designating Aircraft Workers' Union as their choice for collective

bargaining agency. Received no satisfaction; can make no headway with Board here; do not even receive courteous treatment.

This number of workers represents over a majority of the workers in that particular factory, in which are employed some 8,000 souls.

I plead for the workers of these factories, that they be given consideration. We have had strikes and riots in that particular factory. Men have been injured and men have been intimidated, and today, a year after their request for an election, no election has been held. The workers are entitled to a better deal than that.

There seems to be a conspiracy of silence against constructive criticism of that which might have been good in this Nation, and I believe I rise to give constructive criticism. The thing seems to be one-sided in my country, and you know what I mean. The American Federation of Labor has criticized this Board and criticized it in the same way I do today on the floor of the House. Either these people should be given money to proceed with the program as we enacted it in Congress, and do the things and serve the purposes for which we enacted the law, or they should not be given any money. I say there is something wrong, but not in the State of Denmark. [Applause.]

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 30 minutes. The Chair can apportion the time. All I want is 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. May the Chair make this statement before the gentleman from Washington proceeds, in justice to the Chair, regarding gentlemen who desire recognition on this amendment, in order that the time may be apportioned among them. Twelve gentlemen have asked for recognition within the 30 minutes of debate allowed on the pending amendment. Subtracting the 5 minutes for which the gentleman from Washington is recognized, only 25 minutes would be left for distribution among the 12 Members.

Mr. MAVERICK. Mr. Chairman, I believe the gentleman from Washington should be recognized for 5 minutes, and then the 30 minutes be in addition to that.

The CHAIRMAN. The Chair had recognized the gentleman from Washington for 5 minutes before the request of the gentleman from Virginia was made. If all debate on the pending amendment closes in 30 minutes, 25 minutes would remain after the remarks of the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. Does this list of 12 include the gentleman from Washington?

The CHAIRMAN. The Chair understood the request of the gentleman from Virginia to be that all debate on this amendment close in 30 minutes.

Mr. WOODRUM. Mr. Chairman, conceivably everybody cannot speak on one amendment and make the same arguments. It seems to me 30 minutes, 15 minutes on a side, on an amendment which I believe we understand is at best more or less perfunctory, is sufficient, especially since my request was not that debate be closed on the section.

The CHAIRMAN. May the Chair inquire of the gentleman from Virginia whether or not the 30 minutes to which he requested debate be limited would include the 5 minutes of the gentleman from Washington?

Mr. WOODRUM. My request did include that 5 minutes, Mr. Chairman, and I believe this leaves a reasonable time for debate on one amendment.

Mr. MAVERICK. Mr. Chairman, I ask that the time be equally divided between those who are for and those who are against the amendment.

Mr. DIRKSEN. Mr. Chairman, I will withdraw my name from the list.

Mr. SHORT. The gentleman from Missouri would like to offer an amendment of his own. If I may have some assurance of recognition at the close of debate on this amendment, I would be willing to withdraw my name from the list.

The CHAIRMAN. The gentleman would have the right to offer his amendment. The request with reference to the limitation of debate related only to the pending amendment.

Mr. SHORT. I withdraw my request for time on the pending amendment, Mr. Chairman.

Mr. LUECKE of Michigan. Mr. Chairman, I withdraw my request for time.

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is recognized for 5 minutes.

Mr. LEAVY. Mr. Chairman, I am going to speak during these 5 minutes to sustain the position of the Committee on Appropriations on this item. I do not necessarily appear before this House as a champion of the National Labor Relations Board, but I do appear here, if I can, to dispel a lot of the misinformation and the prejudice that has been raised in this country concerning this Board and its activities as well as the act itself.

The act was passed by the Congress and was upheld by the Supreme Court. It is controversial because it injects into American life by legislative enactment a new thought, one that labor has fought for during half a century—the right by law to organize and deal collectively. The Supreme Court has said this legislation is constitutional. Propaganda has gone out over the country, and the gentleman from California [Mr. DICKWELLER] and the gentleman from New York [Mr. TABER], in stating that this Board has shown deliberate partiality, cannot and do not substantiate the charge by facts. I challenge them to produce proof from the record made by the Board during the 25 months it has been in existence.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I have only 5 minutes. If I can get additional time, I shall be pleased to yield.

Let me show you what the record discloses in this regard. Since this Board has been functioning it has heard 2,150 A. F. of L. cases and 2,337 C. I. O. cases. It has made total settlements in 720 A. F. of L. cases and in 670 C. I. O. cases. Certainly, you cannot charge that this is partiality.

The N. L. R. B. has acted well within the law, because 20 of its decisions have been appealed, either by the employer or by the Board itself, and the circuit courts of appeals and the Supreme Court of the United States have upheld it 17 times out of 20. Surely, this cannot be said to be a record of partiality or proceeding outside the law.

It is true, as every one of us must admit, the very nature of the act, perhaps, lends itself more readily to a plant union than it does to a craft union. The act itself does this. You should not hold this against the Board. The Board has interpreted the act that wherever there is an existing craft union, that craft union shall have the opportunity and the right and the privilege of deciding whether they want to continue in the plant as a craft organization, and those outside of the craft can decide whether they will go into either one of the great unions, or in any other union, so long as such union is independent of the employer.

It has not been 60 days since there was a decision rendered in Illinois directly against the C. I. O. and directly in favor of the A. F. of L. If time permitted, I could cite many instances, each showing an impartial decision. The courts daily render decisions always where one loses and another wins. Is it fair to say that in such a controversy you should always conclude that he who sits in judgment has shown partiality because he has rendered a decision that helps one and hurts the other? The decision is just, if based upon the law as it is written and the facts as they are proven by

evidence. I challenge the critics of the National Labor Relations Board to take the act itself and the interpretation placed upon it by the Supreme Court of the United States and then cite concrete illustrations of where they have been partial. [Applause.]

The CHAIRMAN. Without objection, each of the gentlemen on the list which the Chair has will now be recognized for 3 minutes, and the Chair will recognize at this time someone in support of the amendment.

Mr. RICH. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania for 3 minutes.

Mr. RICH. Mr. Chairman, I wish to accept the challenge made by the gentleman from Washington in this respect. I question very much whether the act is being administered entirely as was intended by the Members of Congress when they put this law on the statute books. It was intended to settle strife and differences between employer and employee. In this it has failed. However this may be, the fact of the matter is the manufacturer today has no rights whatever in talking to his employees. He cannot even discuss matters with them. If he does this for any reason, then this Board declares any organization outlawed because they can refer to some individual who may have gone to the manufacturer and discussed the matter with him. A sad state of affairs when employee cannot talk to the employer and vice versa.

This was not the intention of Congress when they enacted the law. The intention was to settle strikes peaceably. We should change the law at once.

The only way you can have a satisfactory adjustment of matters affecting capital and labor is to have a law that will give each side the same consideration.

I wish to call the attention of the Members to the number of strikes we have had recently.

For the first 10 months of last year there were over 4,017, and the number of workers involved was 1,768,791, and the number of man-days lost was 26,509,205.

I am sure every Member of the Congress will agree that this is a great waste of time and energy and will also agree that the law which we enacted and is now on the statute books is doing just the opposite from what we would have it do. I believe we should cut down the appropriation until the law is changed so that we give the manufacturer the same right that we give labor. If you will do this, we will stop the strife that exists, we will put men back to work in industry instead of on the Government relief projects. Businessmen today have been so harassed the past 3 years by Government that they want to quit and get out. It certainly is a serious situation, and we must recognize the fact. We must encourage industry if we want jobs. Why cannot this Congress get some real sense and stop strife, encourage thrift, and give men jobs, not a dole?

Mr. VOORHIS. Mr. Chairman, I think everyone in the House knows full well that this committee has examined with great care every bit of the appropriations for the National Labor Relations Board and determined it to be no more than the Board needs to carry on its work. I think we also know that as a matter of fact the cut proposed by this amendment to the appropriation for the Board amounts precisely to an attempt to cripple the machinery behind the law for collective bargaining in this Nation. The real issue is whether you believe in collective bargaining and whether you want to provide decent machinery to see that that right is enforced or not.

It has been said that the Board is stirring up conflicts. I point out that out of 10,000 cases which the Board has heard and taken under its jurisdiction, 4,127 have been settled through the efforts of the Board's agents by voluntary agreement of both sides; that 1,031 were dismissed altogether, and 1,538 were withdrawn; that the Board has been directly responsible for the avoidance of 483 strikes during its short history and has held 867 elections to give workers a chance to make their own choice as to what organization they want to have represent them.

#### CONSTRUCTIVE WORK OF BOARD NOT PUBLICIZED OR KNOWN ABOUT

We always hear and read about all of the strikes and troubles that take place, but the newspapers do not report the constructive work being done by this Government agency which is attempting to do a very difficult job and which inevitably runs into criticism because of the fact that it is, as the gentleman from Washington has pointed out, responsible for carrying forward an attempt upon the part of our Nation to recognize and protect a new right of citizenship heretofore not recognized in this country—the right of collective bargaining.

Now, Mr. Chairman, the great troubles in the field of labor are two: First, attempts on the part of some—by no means all—employers to deny the right of collective bargaining to their workers; and, second, the serious split in the ranks of labor itself. For neither of these conditions, obviously, is the National Labor Relations Board in the slightest degree responsible; on the contrary, both of them merely add to the difficulty of the Board's task.

#### BREACH IN LABOR'S RANKS MUST BE HEALED—RANK AND FILE MUST DEMAND IT

It is necessary, above all things, that the breach in the ranks of labor be healed. The rank and file of labor throughout the Nation wants it healed and some day, I confidently expect, is going to demand that it be healed. The sooner that day comes the better for America and especially for labor itself. Meantime the most foolish thing that could be done would be to hypocritically cut this appropriation, make it impossible for the Board to do a decent job or for the Wagner Act to be enforced, and still to pretend that we believe in that act.

The Board, of course, has not done a perfect job. I do not know any board or agency or business or institution that has done a perfect job. It is up to us to improve in every way the Board's work. But you certainly cannot do it by cutting off its head.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the amendment. The gentleman from California [Mr. Dockweiler] read a telegram a little while ago in which some labor organization criticized the National Labor Relations Board because of the fact that they had not given to the matter under consideration as much time as they should have, and that they had not brought the matter to a conclusion. They criticized the Board because they had not settled that particular case and that the matter had not been disposed of. If the gentleman from California wants to be consistent in this respect, if he entertains such views as those, he should be here today, asking for an increased appropriation rather than to reduce the appropriation, because that Board has been working day and night from its inception. That Board has been working harder than any other agency in the United States Government. That Board has had a tremendous task, and I say that in my judgment it has been performing a pretty good job. They have been working day and night, have been called to all sections of the country, and the reason they have not been able to settle these matters as expeditiously as some gentlemen would want is because of the fact that we have not appropriated enough money, because they have been short-handed and have not had enough assistance in the field, because we have not appropriated enough money for them to do the job right. I am not here asking for increased appropriations. I recognize the fact that the provision written into the bill is about all that can be obtained at the present time. I emphasize the fact that the telegram the gentleman from California read and the argument that he made, in my judgment, are the very best arguments against cutting down this appropriation.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. DOCKWEILER. I am not the author of this amendment; I am not asking for any cutting down. I was trying to render constructive criticism. It has been almost a year since this particular plant asked for an election. I do not think an election costs a lot of money.

Mr. BOILEAU. I am very glad to hear the statement of the gentleman from California. The gentleman started to say that he would have offered an amendment had not one been offered by the gentleman from New York. I am glad to know that the gentleman would not have offered that particular amendment to cut the appropriation, and I am glad to know that the gentleman from California agrees with us that the appropriation should not be cut.

#### SUPPORT LABOR BOARD, REGULAR AGENCY OF GOVERNMENT

Mr. MAVERICK. Mr. Chairman, let me make a purely legal observation. The gentleman from New York [Mr. TABER] made the statement a moment ago that the way to cut out what he terms "the bad work of the National Labor Relations Board" was to substantially cut down the appropriation.

This is not a partisan argument. I say it would be just as proper to cut this appropriation as it would be for the Democrats to cut down the appropriation for the Supreme Court of the United States because we did not happen to like one of their decisions, and that is all there is to it. For us to cut down an appropriation of a board which has been created by the Congress of the United States is merely to break down our own law, to cut the throat of our own creation.

#### REVIEW OF WORK OF N. L. R. B.—ACCOMPLISHMENTS

Let us review a little of the history of the Labor Board. Practically all of the sit-down strikes and most of the industrial strife occurred during the time that the law was being litigated. After this law was litigated back and forth over the land and declared constitutional by the Supreme Court, the Labor Board got into operation and conducted a good piece of work, and, as far as I am able to see, an impartial piece of work.

The gentleman from Washington [Mr. LEAVY] and the gentleman from California [Mr. VOORHIS] have both presented statistics, actual facts, of the amount of work these Labor Board people do in such a way that it would indicate they are doing as good a piece of work as any ordinary part of the United States Government.

#### SPLIT IN LABOR NO EXCUSE TO KILL BOARD

Let me tell you the reason why this criticism of this Board is made. There is a split in organized labor between the C. I. O. and A. F. of L. as everyone knows. Each of those two bodies criticize this Board. We should not permit those who want to break down the rights of labor here to use that split in order to break down this law.

Mr. FORD of California. Is it not true that any new agency has a great deal of difficulty in beginning its task, especially under circumstances such as those that existed when this Board started to function?

Mr. MAVERICK. Certainly. This is a new agency; it is just starting out. It was the same way with the Supreme Court of the United States, with the War Department, the Navy, and every other activity.

The gentleman from New York said that the way to settle this thing was to cut down the appropriation. That is not what the enemies of labor want to do; they want to cripple the National Labor Relations Board and break down the law which was put into action by this Congress, adopted by this Congress. The amendment ought to be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. COFFEE] for 3 minutes.

Mr. COFFEE of Washington. Mr. Chairman, I rise in opposition to the amendment. I rise to supplement and fortify the remarks made by the gentlemen who have preceded me, and further in support of the opinions and findings of the National Labor Relations Board. I hope what I shall say will not be reiteration.

As has been well said by the gentleman from Texas [Mr. MAVERICK] the criticism against the National Labor Relations Board gravitates from the fact that labor has been split temporarily between two great organizations; but we should hesitate to do indirectly what we refuse to do directly. If we are opposed to the National Labor Relations Board let us attack it directly, openly, and categorically on the floor of this House; let us not try to sterilize the effectiveness of its

functions; let us not try to emasculate the strength of labor's protection by cutting down this appropriation; let us not devitalize this Board. Mr. Chairman, I earnestly plead, therefore, that this body support the administration, that we legislatively endorse the progressive reforms advocated in two national platforms of the Democratic Party, that we lend our right arm of strength and pecuniary support to this great agency. The Board members are doing a great work, and despite the criticism that has been directed and focused upon this agency, it becomes our solemn duty here as Members of this great deliberative body to lend that financial sinew to the organization that will make possible its effective functioning. If false assertion were argument and its reiteration proof, the case against the Labor Board would be definitely closed.

If we oppose the National Labor Relations Board we should fight it openly, but if we favor an opportunity being given to labor to work itself out of its own difficulties, if we favor belligerently that an opportunity be accorded to labor to work and, without intimidation, develop itself; that is, to allow labor to join unions of its own choosing or create unions of its own choosing, then let us support this agency financially so that it can perform its functions effectively.

This Board is engaged in a pioneering endeavor. Its very potency inevitably forces it to incur virulent opposition. Naturally it is not infallible. If treated sympathetically it will go on quickly to great accomplishment. [Applause.]

Mr. Chairman, in the newspapers, and even on the floor of this House, the National Labor Relations Board has often been depicted as a streamlined, V-8 version of the Spanish Inquisition. There has been a campaign, as skillful as it is vicious, to undermine public respect for the Board by attributing to it the sinister purposes of the Inquisition. From this campaign we get a picture of the Board violating the civil rights of certain employers by star-chamber proceedings, in which it probes the hearts and minds of industry's benevolent despots for heresy. We get a picture of the Board as an inquisitorial body which seeks out and punishes a few benefactors of the working class, generous dispensers of work and wages, merely because they have made some mental reservations about the orthodoxy of collective bargaining. The apologists for the Board's "victims" skillfully avoid the issue, putting the emphasis on the Board's prying "persecution" and neglecting the clear evidence of overt violation of the law which the Board has revealed.

#### HENRY FORD AND THE NATIONAL LABOR RELATIONS BOARD

The other day this House was treated to a eulogy of Mr. Henry Ford. I do not deny that Mr. Ford made a contribution to industrial progress through his inventions and his development of mass-production methods. Mr. Ford has been amply rewarded for his efforts. Great as his contribution is, I do not think American traditions will countenance the principle that anything a man may do puts him above and beyond the law that governs his fellow citizens.

Mr. Ford is a collector of early American furniture and a student of early American folk dancing. But he appears to have little fondness for that earliest of American treasures—the belief that all men are equal before the law.

I think the RECORD should show at this time what the charges against Mr. Ford really are and to what extent they have been substantiated. In the brief time at my disposal I can only summarize the story of Mr. Ford's lawbreaking career, but I recommend to my colleagues that they read carefully the decision of the National Labor Relations Board in the matter of Ford Motor Co. and International Union, United Automobile Workers of America.

After long weeks of open hearings, at which Mr. Ford's agents, as well as his workers, had ample opportunity to present the facts, the Board rendered its decision on December 22, 1937. Mr. Ford promptly and publicly denounced the decision of the Board and announced that, in accordance with his legal rights, he would take the case into court. The law provides that a respondent to a Board case may have 10 days for compliance. Before the 10 days were up, the Board itself decided to take the Ford case to court, for

it was convinced that it had a bulletproof case against the Ford Motor Co. which any court in the land would uphold.

#### FORD TRIES HIS CASE IN THE NEWSPAPERS

Ford hired Frederick H. Wood, Wall Street lawyer who has led the attack on other crucial New Deal measures, to head his legal army against the Board. But in spite of his bravado and his brilliant legal strategists, Mr. Ford was afraid to trust his case to an American court of law.

On the ninth day of the 10-day period for compliance the Ford Motor Co. took its case to the newspapers in an attempt to avoid court action. Ford filed a propaganda petition asking for a rehearing by the Board on matter clearly irrelevant to the issue, and which, if relevant, could have been presented at the original hearing. What was the reason for Mr. Ford's turning away from the justice of the courts, which even he has not yet dared to question, and seeking a new trial from the very Board which he had smeared with charges of prejudice? Two purposes were served by this maneuver. First, it delayed the inevitable decision that Mr. Ford is guilty of breaking the law. Second, it moved the case from the jurisdiction of court and Board into the jurisdiction of the newspapers where Mr. Ford could hope to find anti-New Deal support. In spite of his charges of unfairness and prejudice, in spite of his open defiance of the Board and his threat to go to court, Ford is doing everything possible to stay out of court. We must conclude that he fears the courts will find the Board's judgments against him sound and his judgments against the Board unsound.

#### FORD, THE BENEVOLENT EMPLOYER

The hearings in the Ford case and the Board's decision do not make pleasant reading. Accounts of the riot of May 26, 1937, when members of the U. A. W. A. sought to distribute leaflets to Ford workers as a part of their organizing campaign, destroy the sentimental picture of Henry Ford, devotee of square dancing and collector of spinning wheels. I quote from the Board's decision:

The story of the attack is almost unbelievably brutal. Reuther and Frankenstein were singled out for particular attention and given a terrific beating. Each of them was knocked down and viciously pounded and kicked in all parts of the body. They were then raised in the air several times and thrown upon their backs on the concrete. Reuther was then kicked down the north stairway and beaten and chased down Miller Road. Frankenstein, who was beaten into insensibility for a few moments, was also kicked down the north stairway, after which he was driven for several hundred yards along the streetcar tracks within the fence.

That day's sadism and brutality resulted in serious injuries to many workers, some of whom have forever lost the capacity to work and earn. But that is only one day, one incident. Another quotation from the Board's decision gives a picture of terror and intimidation in the River Rouge empire which goes on every day in the year. I quote:

No résumé of the measures taken by the respondent to fight the organization drive of the U. A. W. is complete without some further reference to the part played by the Ford service department. The duties of that department supposedly consist of guarding the respondent's plants and protecting Ford property. Since the start of 1937, however, it has been vastly enlarged and service men now patrol the aisles during all working hours watching for any signs of union activity. Employees seen talking together are taken off the assembly lines by service men and discharged, irrespective of the wishes of their foremen. With service men present and interfering with the normal operation of the assembly lines in every department, the River Rouge plant has taken on many of the aspects of a community in which martial law has been declared and in which a huge military organization, whose voice is final, has been superimposed upon the regular civil authorities.

This is what Mr. Ford wants to preserve—these little Ford communities, where Fordism is law, martial law, and the civil authorities and the law of the United States do not count.

The National Labor Relations Board has other cases against Mr. Ford in Kansas City, in St. Louis, in Buffalo. These cases are as clear as the River Rouge case. On Tuesday, January 11, a complaint against Mr. Ford will be heard by the Board's Buffalo trial examiner, Dean Francis Shea, of the Buffalo Law School. Only last week, after the complaint had been filed, the Ford Co. offered to reinstate all the men whom the complaint alleges were discharged for union

activity. Mr. Ford is willing to do anything to prevent exposure of his ruthless and open violation of the law.

Congress passed the Wagner Act and established a board to administer the law. Mr. Ford has shown that he intends to be a law unto himself. This is a situation which calls for the finish fight to which the President referred in his Jackson Day speech. The Board needs more than an adequate appropriation to carry on that fight successfully. It needs the full support of the Congress and of all liberty-loving Americans. I am sure that we shall not let the Board or the people down. [Applause.]

[Here the gavel fell.]

Mr. FORD of California and Mr. SCOTT rose.

The CHAIRMAN. The Chair will state to the gentleman from California [Mr. FORD] that the Chair feels constrained to recognize first those Members who indicated a desire to be heard on this amendment, inasmuch as time of debate on this amendment was limited.

The Chair recognizes the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I think I recognize the fact that it is not necessary to make an argument against this proposed amendment, because it probably will not pass, but I think I likewise recognize in the amendment an attack perhaps upon the personnel throughout the country of the National Labor Relations Board. I hesitate to allow a blanket attack like that to be made against their work, against their motives, or against anything else without speaking briefly on the subject of the man who is directing the work of the National Labor Relations Board in my part of the country, southern California, Dr. Towne Nylander, formerly professor of political science at one of the larger universities in the State of California who was called into this work to do what he could to eliminate labor strife in southern California. I think he has done a good job. I do not believe he has gone as far in taking jurisdiction of labor difficulties as I might have gone had I been in his place. I have asked him to take jurisdiction over some of the disputes that have arisen out there but he has said that he could not do it because the law did not give him jurisdiction.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. SIROVICH. I merely want to make the observation that the most successful method of sabotaging the work of a constructive agency of this Government is to cripple it by cutting its appropriations.

Mr. SCOTT. The gentleman is correct. There are other Members of this House who think as highly of the personnel directing the work of the Labor Relations Board in their districts as I do of the work that is being done by Dr. Towne Nylander in Los Angeles. I feel certain that they, too, resent this wholesale attack.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. RAMSPECK] for 3 minutes.

Mr. RAMSPECK. Mr. Chairman, this attack on the National Labor Relations Board, it seems to me, grows out of three factors. First, a group of employers in this country would like to see destroyed the theory of collective bargaining. They are not in favor of it and they do not propose to have any law requiring it if there is any way in the world they can destroy this right which has been given to the workers of the country. They refused to abide by the law until the Supreme Court upheld it. Now they are trying to destroy the Board which this Congress authorized to administer the law.

Second, it grows out of a division in the ranks of organized labor itself, which all of us regret and which is most unfortunate to all labor as well as to people who belong to labor organizations. But that is no justification for destroying the principle involved in the law.

Third, it grows out of the failure, I think, of the examiners employed by the Board to properly understand their prerogatives and duties. If I were operating the National Labor Relations Board I would call all of the examiners

to Washington and say to them: "Gentlemen, you represent a semijudicial body and as such you ought to conduct yourselves in the proper manner and with proper respect for all parties who come before you."

I make that statement as a friend of the Board and as a friend of the act. I make that statement as one who helped perfect the law and as one who helped pass it in this Congress. I think they ought to call those examiners in and caution them in regard to the methods by which they conduct the hearings.

Mr. Chairman, I am opposed to the amendment and rely upon the judgment of this able subcommittee of the Appropriations Committee which has fixed the amount it deems desirable and necessary to carry on the functions of this Board. May I say to the gentleman from Pennsylvania [Mr. RICH] that cutting down the appropriation is not going to cut down strikes. Strikes arise out of dissatisfaction with working conditions. This act has a tendency to stop strikes because it furnishes the working people a place where they can get a hearing on the merits of the controversy. We are not going to stop strikes by taking away from them the machinery by which these strikes may be adjusted.

Mr. RICH. Does the gentleman call this a perfected bill?

Mr. RAMSPECK. I did not understand the gentleman.

Mr. RICH. Does the gentleman call the National Labor Relations Board a perfected organization?

Mr. RAMSPECK. There is no such thing as a perfected legislative act. We are always improving on it.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. FORD] for 1 minute.

Mr. FORD of California. Mr. Chairman, I am opposed to the amendment cutting this appropriation on the general principle that the Republican side which offers it is opposed to the National Labor Relations Board because that Board stands for better labor conditions in the United States. They had 50 years of uninterrupted power and not one law did they pass favoring labor.

May I say also that no board starting out in its first year can be perfect. We ought to give it all the money it needs and if the law itself proves defective then it is up to the Congress to fix the law by amendment later on in order to make it workable. Then the failure will be on the shoulders of the Board. If we fail to so amend this act, then the failure is ours.

Mr. SIROVICH. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from New York.

Mr. SIROVICH. If a human being had a hemorrhage from his nose, we would not cut off his head to stop the hemorrhage. Likewise if there are any imperfections in the National Labor Relations Board's work, cutting its appropriation would only kill the enforcement of its just provisions for collective bargaining.

Mr. FORD of California. In answer to the distinguished gentleman from New York, let me say collective bargaining is one of the bright spots in the present administration's galaxy of brilliant achievements. Labor has gained more in the 4 years of President Roosevelt's administration than in 50 years of Republican rule.

That is why all the people, except a few economic royalists represented by the Republicans, are for President Roosevelt.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, the Budget and the Appropriations Committee have given this matter careful consideration. The Budget pared this Board down to the very bone, and the subcommittee reduced it still further. For this reason I hope the ill-considered proposal which comes freshly before us will not be approved by the Committee.

This agency ought to be permitted to develop and to continue the rather revolutionary work that it has been designed to carry forward. In time, as a result of the experience gained through the practical application of this very

beneficent legislation, I am sure it will satisfy all critics. The Board is doing good work, and I hope the appropriation recommended by the subcommittee will receive your approval. In the days to come it will be generally acclaimed.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOODRUM] for the remainder of the time.

Mr. WOODRUM. Mr. Chairman, the situation here has been very clearly explained by the different gentlemen who have spoken, and especially the gentleman from Georgia [Mr. RAMSPECK] who is chairman of the Committee on Labor and as we know he is familiar with all the facts.

The subcommittee handling this matter, if you will refer to the hearings, went into the matter very carefully. Mr. Madden and his associates on the Board were confronted with the criticisms that have been made and which have been voiced here today so far as partiality between the American Federation of Labor and the Committee for Industrial Organization is concerned. Mr. Madden went into the matter very carefully and I thought he made a very good case for the Board and its effort to try to be impartial in these matters.

We also called the Board's attention to the fact that there had been delay in a great many cases and that it had also been charged with stirring up trouble rather than settling difficulties. It is true that without regard to whatever criticism we may have of this Board, it is the only agency the Congress has set up after very deliberate consideration to insure organized labor its right to collective bargaining; which undoubtedly was being denied by many employers in the country. If the Board is not functioning right, then it is our duty by proper process to see that it does function right and we should do this, not by the indirect method of cutting its appropriation which, instead of helping my friend from California, would make it impossible to answer these calls.

Mr. DIRKSEN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I think it should be remembered that the Wagner Labor Relations Act was not sustained by the Supreme Court until April 1937.

Mr. WOODRUM. Yes.

Mr. DIRKSEN. And the tremendous increase in the number of cases has sprung from that date and accounts for the increased duties of the Board.

Mr. WOODRUM. The Board has been deluged with complaints of various sorts and, in addition to that, has been right in the middle of this unfortunate controversy between these two groups of labor in America.

As far as the committee and I are concerned, we believe it would be very bad to cripple the Board further by reducing this appropriation or in this appropriation bill making any change in the set-up of the Board. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 19, noes 83.

So the amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 30, line 14, after the word "exceed", strike out "\$300" and insert in lieu thereof "\$150"; and strike out the word "law" at the end of the line.

Mr. HOFFMAN. Mr. Chairman, I have another amendment on the Clerk's desk, and I ask unanimous consent that I may discuss the two amendments together.

The CHAIRMAN. Without objection, the Clerk will report for the information of the committee the further amendment offered by the gentleman from Michigan.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 30, line 6, after the word "automobile", strike out "\$2,830,000" and insert in lieu thereof "\$1,830,000."

Mr. BOILEAU. Mr. Chairman, I make the point of order against the second amendment, which seeks to change the figure, that the matter has already been disposed of, as the committee has agreed upon a figure.

Mr. HOFFMAN. No; this amendment gives the Board \$830,000 more than the amendment of the gentleman from New York [Mr. TABER].

The CHAIRMAN. The Chair may state to the gentleman from Wisconsin that in the opinion of the Chair the fact that the amendment offered by the gentleman from New York was defeated does not preclude any other Member from offering an amendment with reference to a different amount. The Chair, therefore, overrules the point of order.

May the Chair inquire of the gentleman from Michigan if it is a part of his request that the two amendments be voted on at the same time?

Mr. HOFFMAN. Yes; except that I want my full time on each one, although I do not expect to use it.

The CHAIRMAN. Under such circumstances the amendments would have to be considered separately.

Mr. HOFFMAN. I have no objection to their being voted on at the same time. I anticipate the fate of the amendments.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes on the first amendment offered.

(Mr. HOFFMAN asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. WOODRUM. Mr. Chairman, I should like to fix a limit on debate on this amendment.

Mr. HOFFMAN. On my two amendments I would be entitled to 10 minutes, but I expect to get through in 6 minutes or 4 minutes.

Mr. WOODRUM. The gentleman's amendment is almost a pro forma amendment. We have debated a similar amendment.

Mr. Chairman, I ask unanimous consent that all debate on these two amendments and all amendments to the section close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HOFFMAN. Mr. Chairman, I believe those who have spoken in opposition to the preceding amendment overlook the fact that the Wagner law itself is not only imperfect in its present form but that it imposes an impossible burden upon industry and discriminates against the independent worker. They overlook the fact that we are not now having true collective bargaining by the workmen themselves. One of the gentlemen who spoke in opposition to the amendment challenged those who supported it to cite a single instance where an act of the Board was unfair. We may all honestly disagree with the decisions of the courts or the decisions of the Board, so I make no reference to any decision rendered by the Board. I will cite its administrative acts. I do charge that the Board has been unfair, arbitrary, and biased in its practice of refusing to give workmen an opportunity to determine their bargaining agencies. If there is any one thing the Wagner law was intended to give to the man who works, it is the opportunity to choose his representative for collective bargaining, and this is conceded. This right, which is the foundation of the Wagner Act, has been denied him.

If the course of the Board was followed, hearsay evidence, what others say about it and its activities, might be considered sufficient to prove the truth of this charge.

For example, I might quote Senator NYE, who said:

The National Labor Relations Board seems to have gone out of its way to demonstrate to the public that it is a partisan body rather than a judicial institution.

I might quote from an issue of the Pittsburgh Post-Gazette, which in an editorial said:

It comes as a shock to find an agency of the Government abandoning its traditional neutrality in disputes between private individuals or groups and assuming an aggressively partisan role.

The National Labor Relations Board approaches more nearly a packed court than anything this country has ever seen or thought could exist under our democratic system.

I might refer to the more recent statement of the Democratic Governor of Oregon, Charles H. Martin, who, on the 7th day of December, pledging himself to end the threat of gangsterism in his State, demanded that the "damned Labor Relations Act should be thrown off the books," or "if that can't be done, it ought to be drastically amended."

Describing the conditions in his State, Governor Martin said:

Homes of workers have been stoned, men slugged and beaten, women and children have been threatened and intimidated by the hired thugs and gun squads that have taken part in the unholy and unnecessary warfare. The people of this State will no longer tolerate the implications of anarchy and disregard for law and order.

The American Federation of Labor has characterized it as biased and prejudiced, unfair and partisan. The C. I. O. itself has condemned its activities. The Board apparently pleases no one. Criticism of it is universal. Some of its decisions are outrageous, and some time in the near future, when time permits, I hope to lay before the Members of this House a statement more in detail showing some of the absurdities, some of the injustices perpetrated by this Board.

Suffice it for the present to say this: The unfairness of the Board is shown beyond any controversy by the undisputed facts, a few of which I now cite.

At Grand Rapids, Mich., less than 50 of the more than 800 workers of the Globe Knitting Works belonged to the C. I. O. Nevertheless, they called a strike and closed the plant. When the independent union asked the regional director of the National Labor Relations Board, who was sent into the field, for an election, their request was denied.

In the same city, during the same period of time, there was a strike in the W. B. Jarvis Co. plant. There the membership was almost equally divided. C. I. O. claimed an overwhelming majority. There, at their request, an election was ordered. It turned out that their claims were exaggerated and they were defeated by a small majority.

Here were two strikes in two factories in the same city. In the one, it was evident to everyone that C. I. O. was in the minority. In the other one, practically all observers thought C. I. O. was in the majority. Where it was thought that an election would show the C. I. O. in power an election was ordered. Where it was certain it would be defeated an election was denied. This instance might be multiplied many times the country over. About this there is no question.

The same course of procedure was followed at Monroe, Mich., where some 1,300 men were driven from their jobs by a small minority.

We are all familiar with the situation at Flint, where in the beginning less than 10 percent of the workers were C. I. O. members. Nevertheless, thousands were driven from their jobs by the C. I. O. which claimed the right of collective bargaining.

Did the Board order an election at Flint? Did the Board order an election in other instances where the C. I. O. called sit-down strikes? It did not. If it wanted to avoid strife, if it desired to promote collective bargaining, it should have ordered an election, for an election is the peaceable, democratic way of choosing representatives.

I charge, and the charge is made deliberately, that the action of the Board—and by the Board I mean its examiners, its conciliators, and its subordinate officers, for through them it functions—has been biased, unfair, and arbitrary in that it has, where workers affiliated with a union other than the C. I. O. have been in the majority, either failed or refused to call an election to determine the bargaining agency or to give relief.

It has repeatedly created the impression, and this throughout the length and breadth of our land, that the Federal Government itself stood back of the C. I. O. and the C. I. O. organizers.

Its conduct has been so reprehensible, so biased, and so unfair that practically every publication which had occasion to comment upon its activities has condemned it.

As an illustration, this week's *Collier's*, which might be termed a New Deal supporter through thick and thin, condemns it.

The Saturday Evening Post of January 15, on the editorial page, states:

And every decision under the Wagner Act is, and must be, biased, because it is cut on a bias.

More recently it has started upon a head-hunting, witch-burning expedition against Henry Ford and the Ford Motor Co.

Frankenstein, of Detroit, it was, who, on April 8, 1937, said:

Henry (Henry Ford) will either recognize the union or he won't build automobiles.

Within a month Frankenstein has been appointed by Michigan's absentee Governor as one of the State officials to distribute relief funds, thus serving notice upon Henry Ford, all employers, and all taxpayers in Michigan that men need not work in that State; that they can depend, so long as the funds last, upon Michigan welfare funds for support and maintenance, thus placing in the hands of the C. I. O., of Frankenstein, and of the U. A. W. A., of which he is an officer, a weapon of incalculable benefit.

The Detroit Free Press of January 8, 1938, gives information of an investigation by the mayor of that city of the reported tie-up between the welfare and the C. I. O. It carries the information that G. R. Harris, welfare superintendent, had an agreement with U. A. W. A. to investigate cases for the welfare department, and it contains the copy of an order for groceries issued by an employed United Automobile worker. And the excuse of the welfare superintendent was:

We thought that the union could take over some of the work.

It was also on April 8, 1937, that John L. Lewis said:

Henry Ford will change his mind or he won't build cars.

To enable Lewis to make good on this statement, the N. L. R. B. is persecuting Ford, not only at St. Louis and Buffalo but at Detroit.

In the Detroit area, where some 80,000 men are employed, the Board has been able to find 29 who, it alleges, were discharged for union activities, and it has ordered their reinstatement.

I could cite as an illustration what happened at Monroe and also at Newberry, in Michigan.

Mr. FORD of California. Would the gentleman be in favor of the National Labor Relations Board if it functioned perfectly?

Mr. HOFFMAN. I believe in arbitration, of course, and I believe in collective bargaining. I realize that as a practical proposition there will be many errors and mistakes, and this will probably always be true, but the mistakes and the errors should diminish in number.

Mr. FORD of California. Why not give the Board a chance?

Mr. HOFFMAN. Give them a chance? Listen to this: At Ford's 80,000 men are employed. The Board ordered 29 men reinstated. If the 29 are put back to work, it would require Ford's entire police force to protect them from the other workers. The C. I. O. there is trying to get into the Ford factory to collect dues from the 80,000 employees, and what does it do with the dues when it gets them? The union does not increase the yearly income. In far too many instances its activities have been followed by a loss of jobs. What did they do in the last campaign? They contributed a portion of the dues they collected from the workers to the campaign fund of the New Deal. The gentleman does not believe in that any more than I.

Mr. FORD of California. Might they not contribute the dues to somebody else next year?

Mr. HOFFMAN. They contribute the dues to the party in power, I realize that.

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Mr. FORD of California. They might contribute next year to some other party, but I do not care what they do about that. I want to give the Board a chance.

Mr. HOFFMAN. No part of these dues should ever be contributed to any political party.

Those who conducted this hearing at Detroit are so lacking in intelligence, so ignorant of the true situation, that they are not aware that, were it not for the protection afforded by the Ford organization, that were these men reinstated they would be bodily thrown out of the factory as fast as they could enter.

What is the purpose of the Board? Anyone viewing its activities, with a knowledge of the facts, would say it is this: The Board intends by its interpretation of the Wagner Act to assist John L. Lewis in obtaining a monopoly of labor. It proposes to assist him in levying tribute upon every man who would work.

By its orders and its rulings it is forcing the man who would work to sign on the dotted line of the card prepared by Lewis and the C. I. O. organization; to pay the initiation fee fixed by him; to pay the dues, the fines, and the levies decreed by that organization; and, in turn and for this favor, Lewis throws the votes of his organization, insofar as he can control them, and a portion of the funds so corruptly collected in support of the national and local New Deal organizations—a more corrupt, a dirtier political practice never saw the light of day.

[Here the gavel fell.]

Mr. SHORT. Mr. Chairman, I voted against the National Labor Relations Act, commonly known as the Wagner bill, because I thought it was bad legislation then, and I think it is bad legislation now, notwithstanding the Supreme Court of the United States has upheld its validity. In my opinion the Court, composed of human beings possessing fallible judgments, slipped a cog and bent over backward in the attempt to save itself when it upheld the constitutionality of that law.

The legislation was proposed and passed by the Congress to settle labor disputes and to end strikes among our laborers in industrial centers, yet if we will look at the facts we will discover that in 1933 we had 1,562 strikes; in 1934, 1,856; in 1935, 2,014; in 1936, 2,172 strikes, and for the first 10 months of 1937, January to October, inclusive, we had 4,017 strikes, involving 1,768,791 workers and a loss of man days during this months of 26,509,205. This enormous increase in the number of sit-down strikes with their attendant violence and destruction of life and property is one of the chief causes of our present depression.

Mr. Chairman, it seems to me that the act has failed to carry out the purposes for which it was written and enacted. It has disrupted industry, it has divided labor, it has closed manufacturing plants and factories, it has thrown thousands of satisfied men out of peaceable and gainful employment and added them to our relief rolls. Chaos and depression necessarily follow, and unless abuses in administration of the act are corrected the inevitable result will be panic, anarchy, revolution, and ruin.

The President of the United States can come into this Chamber and in his annual message to us blame big business for this depression, a weak and silly alibi, because businessmen are the last to welcome a depression; but, Mr. Chairman, in my humble but honest opinion the facts and figures I have just quoted and the unfair and punitive activities of the National Labor Relations Board will answer largely for the awful present predicament in which we find ourselves. This offensive and oppressive Government agency has substituted coercion for cooperation, supplanted understanding with suspicion, destroyed long-established friendly relations between employer and employee, and encouraged and promoted that very sectionalism and class hatred which the President himself so recently and bitterly condemned.

This Board has equaled, if not excelled, some code authorities under the N. R. A. in its exercise of tyranny over both employer and laborer. It is, in my judgment, a partial, partisan, prejudiced, perfidious, persecuting, penalizing, putrid

institution to browbeat, bulldoze, and bully the people of this country in order to force them to comply with the arbitrary and ambiguous rules and regulations that it arrogantly and ruthlessly lays down; in fact, many of the proponents and supporters of the Wagner Act itself will admit, I think, that as it now stands it is a lopsided, a one-sided measure. I call it a modern Spanish inquisition, comparable in its reign of terror to the French Revolution.

So, in order to try to offer constructive criticism, I suggest that the Congress should make certain amendments to the Wagner Act. It is our duty and responsibility.

First, to make unlawful any contract that requires membership in any organization, political, religious, or labor, a condition of employment. There is no justification for aiding and abetting professional labor racketeers. Some employers have been forced to recruit members of unions and then collect or pay their dues.

Second, to subject employees, as well as employers, to the penalties of unfair labor practices. All the guilty should suffer alike.

Third, Mr. Chairman, to require that these hearings be held under an impartial tribunal that is independent and free of the dictation by the prosecuting board and under certain rules of legal procedure that are fixed and not violative of individual rights.

As the law stands today the employer is the only one who is subject to the orders of the National Labor Relations Board or subject to contempt penalties imposed by some United States circuit court of appeals for not complying with the dictatorial orders laid down by this partisan and biased Board. This is manifestly unjust. Yet, the President condemns business and demands its cooperation.

Fourth, to compel labor unions to incorporate, being held equally liable with industry in the carrying out of agreements. What is sauce for the goose is sauce for the gander. Neither signatory to a contract should be excused from its performance. Both the employer and the employee should be responsible and held to the contract.

O Mr. Chairman, I wonder how much longer the American people must suffer before they really become awakened to the nefarious practices that have gone on during the past 18 months? [Applause.]

Mr. GIFFORD. Mr. Chairman, I desire to venture just a word at the moment because I am so greatly impressed with the prayer of the businessmen of the Nation that the Congress come to their relief. Certainly, they have lost their faith in the high priests of planned economy and the medicine men who have been appointed to torture them.

No gesture that could be made would be so important to the businessmen as to do away, at least for the present, with this Board which has shown itself so biased, so prejudiced. No one can read of the workings of this Board without his blood reaching the boiling point. They tell labor that it is for the benefit of labor. It is of no benefit to labor if it tends to bring about fewer jobs. It is to help the walking delegate pry into business to make trouble and on slight pretense summon them before this Board prejudiced in advance of any hearing. It seems to have been proven to be a mischievous Board.

Reference has been made to the number of strikes which occurred in 1937. We could not have had more strikes if we had had two Wagner Acts. Business at the moment needs reassurance and has appealed to the Congress for relief.

It is nothing new to take away the entire appropriation for a board in order to express our disapproval. Last year in another branch the entire appropriation of the Central Statistical Board was taken away. This is one way we can reassure business and show our desire to assist in a return of confidence. Nobody will be put back to work unless business does it.

A week ago I spoke on the floor here and called attention to the abrupt and swiftly falling business index. We find since that time the business barometer is dropping still further down. Will we not give the people of this country some little reassurance? This is surely an opportunity to

express ourselves, that business may know that we, at least, are friendly and desire to cooperate.

I am pleading for this action, but of course I know it is futile. You will say that I do not believe in collective bargaining. I most assuredly do. But I am pleading for the recovery of business. Certainly with this Board it is a case of "4 inches of tail wagging 96 inches of dog." It seems to be the policy to turn the hose on the crowd in order to drown out one business culprit. But you cannot do it without soaking most of the crowd. It is time that something was done by the Congress itself, and the people are a little hopeful that we will stem this tide of business persecution, as businessmen have lost faith in those medicine men. No one here can doubt that this is true.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. SHORT. Of course, we all believe in the right of collective bargaining and the right of labor to organize, but under the powers held by the N. L. R. B. only those witnesses who appear, who have been subpoenaed, or whom they want to attend the trial on behalf of the Board, have their expenses paid. Whereas the employer is often delayed for days at a time, and many pages of testimony are taken at great expense, which in the end might absolutely force him into bankruptcy.

Mr. GIFFORD. Everyone knows that the proceedings of this Board have been severely criticized. The Board ought at least to be curtailed. The principle may be right, but the performance has brought most unfortunate results. At these critical moments our own Government instrumentalities must not further engender hatred. As was well said at a recent hearing before a legislative committee, "If we all—industry, labor, and Government—would quit hating one another, this recession would stop immediately." Temporarily curtailing the activities of this Board would be a fine gesture to make for the recovery of business in this country.

Mr. LUECKE of Michigan. Mr. Chairman, the gentleman from Michigan [Mr. HOFFMAN] made the statement that strikes in Newberry, Mich., which happens to be in my district, and the troubles resulting therefrom, were due to the National Labor Relations Board. Those strikes took place before the Board began to function.

I want to bring a different viewpoint into this argument, and that is that, in my opinion, the National Labor Relations Board is one of the pillars of democracy. It stands for free labor. It means free labor. It means that labor shall have the same rights as other groups in this country, and if you will come with me to other nations in the world today you will see that where you do not find free labor you will also not find religious liberty; you will not find the right of peaceable assemblage.

In those countries where the right of collective bargaining is denied you will not find any of those liberties, and I hope the day will never come when we see this act wiped off the statute books. Democracy depends on this sort of legislation. Unless we are liberal in these things, the time will come when we shall not be free in other things also. Make no mistake about that.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LUECKE of Michigan. Only the other day I read an account of where in Spain 80 men were garroted because they belonged to a fraternal order. I know that no one wants that to happen in this country; but if these continual attacks are made on collective bargaining in this country, that is just what is going to happen. That is a step toward fascism. There is no other argument against it. We are turning toward fascism when we take the rights of labor away, because that is proven by what has happened in other countries today.

The argument is often put up on this floor time and again, "Oh, I am for this piece of legislation, I am for wages and hours, but I do not want it done in this way." That is only subterfuge. You are not for that kind of legislation; you know you are not for it. It is merely a repetition which has

been going on time after time, putting out a smoke screen as it were, because you do not mean what you say.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LUECKE of Michigan. If this act is not administered in the right way, let us fix it up so that it will be administered in the right way, but let us not forget that it is a new agency, that it has not been functioning very long, and that no agency that was ever created was ever perfect right from the beginning.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. HOFFMAN. Mr. Chairman, I want to speak on my second amendment.

The CHAIRMAN. Amendments were submitted and subsequently a unanimous consent was agreed to that all debate upon the section and all amendments thereto close in 20 minutes. But one minute remains of that.

Mr. HOFFMAN. That will be enough.

The CHAIRMAN. For which the Chair must recognize the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I shall be glad to give the gentleman half that minute.

Mr. HOFFMAN. Mr. Chairman, that is fine. Half a minute is all I want in order to reply to the gentleman from Michigan [Mr. LUECKE] who argues that the Board stands for free labor. How does that check up with the closed shop and the check-off?

Mr. WOODRUM. Mr. Chairman, we have gone into this matter very carefully. This is the only agency for collective bargaining for labor. Let us give them enough money to do the job and if they do not do it right, the Congress has the machinery to see to it that they do it right. That is the way to handle this.

The CHAIRMAN. The time of the gentleman from Virginia has expired, all time on this amendment has expired.

For the information of the House the Clerk will report the first amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 30, line 14, after the word "exceed", strike out "\$300" and insert "\$1.50"; and strike out the word "law" at the end of the line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 30, line 16, after the word "automobile", strike out "\$2,830,000" and insert "\$1,830,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

For all printing and binding for the National Mediation Board, \$2,300.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I make this motion in order to call attention to the fact that the National Mediation Board is to spend only \$2,300 for printing. I commend it. We have just made provision for \$125,000 for the National Labor Relations Board, and we are about to give the National Railroad Adjustment Board \$40,000 for this purpose. The 20 agencies to which this bill specifically gives money for printing will receive \$1,834,000, an average of \$91,700 each. I call attention to this because yesterday there came to my office from the Federal Communications Commission the batch of mimeographed sheets I hold in my hand. I have had the curiosity to count their number, and I find that there are 130 mimeographed pages. If they were sent to every Senator and Representative there were used 69,030 pages of perfectly good paper for perfectly useless matter.

If any man here went through these sheets and will rise and say he found any profit in them at all, I shall be surprised.

This is a transcript of the routine doings of this Board in December, with one item relating to November, wholly wasteful, extravagant in the last degree.

This for me was the last straw that broke the camel's back. It drives me to remonstrance.

I have been disturbed and annoyed and grieved by all this wasting of the people's money. I would ask the chairman in charge of the bill if any provision is made anywhere along the line of public administration for any censoring of such material as I hold here.

Mr. WOODRUM. I may say to the gentleman that with such facilities as the committee has we have gone into the matter of printing, binding, multigraphing, and duplicating such as the gentleman has called attention to. The gentleman will find in the back of the report a statement by the committee.

The committee is just as apprehensive as is the gentleman from Massachusetts. I saw the particular document to which the gentleman from Massachusetts refers. It was of no interest to me. I do not know what was the occasion for having such a voluminous record sent to Members of Congress, but the committee is exerting every precaution that it knows how to exert to try to prevent unnecessary printing and binding, multigraphing, and duplicating of various sorts.

Mr. LUCE. I have no criticism to make of the committee. I have no doubt they are doing all they can.

Mr. WOODRUM. The gentleman's colleague the gentleman from Massachusetts [Mr. WIGGLESWORTH] has been unusually diligent in that particular inquiry, and the whole committee is anxious to cut out as much of it as is possible.

Mr. LUCE. I call attention to this in order to point out the necessity of doing something more, the necessity of having some official or some board somewhere along the line which will prevent the publishing of a 130-page mimeographed report of the doings of one agency, almost wholly those of a single month, the detailed record of a commission with which most of us having nothing to do and in which we take no interest. It is a striking illustration of saving at the spigot and wasting at the bung. Until we have sense enough to provide for censoring these wasteful, extravagant agencies of our Government, we are going to continue a burden that ought to be taken from the taxpayers' shoulders.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

#### RURAL ELECTRIFICATION ADMINISTRATION

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports necessary to carry out the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, including the salary of the Administrator and other personal services in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance of officers and employees at meetings when determined by the Administrator to be necessary in furthering the work of the Administration; contract stenographic reporting services; expert witness fees; materials, supplies, equipment, and services; rentals, including buildings and parts of buildings and garages, in the District of Columbia and elsewhere; purchase and exchange of books, law books, books of reference, directories, and periodicals; not to exceed \$200 for newspapers and press clippings; financial and credit reports; purchase, rental, exchange, operation, maintenance, and repair of typewriters, calculating machines, and other office appliances; operation, maintenance, and repair of one motor-propelled, passenger-carrying vehicle to be used only for official purposes; and all other expenses necessary to administer said act, \$1,587,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Rural Electrification Administration when the aggregate amount involved does not exceed \$100.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 36, line 8, after the word "act", strike out "\$1,587,000" and insert "\$1,556,820."

Mr. WIGGLESWORTH. Mr. Chairman, on yesterday I said something about the matter of publicity or propaganda by various agencies included in this bill. One of the agencies

to which I referred was the Rural Electrification Administration. There is carried in this bill for this purpose something over \$120,000 reflected in two items; first, in the item which is immediately before us to the extent of about \$60,360; second, in the item immediately following for printing and binding to the extent of \$61,500 for R. E. A. news pamphlets, folders, and so forth.

The amendment which I offer and one which I shall offer to the following paragraph will serve, if adopted, to cut the total in half so that in place of \$120,000, or thereabouts, the appropriation for publicity purposes will be reduced to about \$60,000. Without taking the time of the committee unduly, I call attention to the fact that in the hearings before your subcommittee, at pages 666, 668, and 669 will be found the following statements on behalf of R. E. A. in reference to this matter:

Demands for projects have assumed such proportions as to out-run our resources 4 to 1.

A good deal of this, Congressman [R. E. A. publications], was gotten out to encourage interest in rural electrification. We do not need to do that any more. The interest has outgrown the need for it.

We would be wasting our time if we tried to blow up very much of a publicity balloon because demand is so aggravatingly greater than we can take care of that it is a great annoyance.

I believe the sum of \$60,000, which will be left for this purpose if the amendment I have now offered and the subsequent one are adopted, will be ample for the needs of this activity.

[Here the gavel fell.]

Mr. MITCHELL of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the midst of so much criticism of Government agencies, it is refreshing to be able to commend the action and conduct so far as I have been able to ascertain of this particular administration and agency of government.

May I say to the Members of the House, referring to what has been done by the Rural Electrification Administration in my State of Tennessee, that in the past 12 months or about that period of time there have been made loans amounting to \$1,766,658 for nine projects to my people. As a result of these loans 1,602 miles of rural electrification lines have been constructed, accommodating 7,467 customers or heads of families, averaging 5 to the family, would constitute a population of 35,000 to 40,000 people who are receiving for the first time in my State the benefit of electric light and current. This money has been loaned at a rate of about 3-percent interest with a 20-year period of time in which to repay the obligation, after which time the cooperative organizations will own the lines.

May I say that we who have lived in Tennessee and the sections adjoining thereto can appreciate what is being done under the T. V. A. development and under the Rural Electrification Administration. Previous to this legislation it was impossible for thousands and thousands of our people who lived in the country to receive electric current under any circumstances.

The utilities refused to serve rural districts and would only serve the towns or the populous centers. Today I commend the Rural Electrification Administration for making wise loans in the sections of my State where I have no doubt that every dollar of the money will be refunded. This fine service is like a huge network in Tennessee and the adjoining States of Mississippi, Alabama, and Georgia, and we in the rural districts for the first time have been able to get electric current.

There is no need to amplify on the benefits and the great benefactions that come to our people as a result of this service. While we hear criticism and occasionally adverse comment on the T. V. A. and the Rural Electrification Administration, may I say to my colleagues here that our people are receiving electric current at less than one-third of what they previously paid for it when they could get it. In other words, there was two-thirds more charged previously for electricity throughout that jurisdiction than is now being

charged the consumers. We appreciate what is being done by the Rural Electrification Administration and by the Tennessee Valley Authority in our behalf.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Wigglesworth].

The amendment was rejected.

The Clerk read as follows:

Printing and binding: For printing and binding for the Rural Electrification Administration, \$65,000.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 36, line 14, after the word "Administration", strike out "\$65,000" and insert "\$39,250."

Mr. WIGGLESWORTH. Mr. Chairman, as I have stated, the record indicates clearly that out of the total requested for printing and binding, \$61,500 is to be used for R. E. A. news, pamphlets, folders, and so forth.

The following is the list of printing and binding requests furnished your committee by R. E. A.:

Printing and binding—Tabulation of costs

| Publication                             | Number of copies | Cost     |
|---|------------------|----------|
| R. E. A. News.....                      | 240,000          | \$18,850 |
| Form of Construction Contract.....      | 500              | 1,210    |
| Utilization Placards.....               | 300,000          | 3,300    |
| Sters in Loan Building.....             | 500              | 550      |
| Farm Electrical Equipment Handbook..... | 90,000           | 1,000    |
| Borrowers' Manual.....                  | 1,500            | 1,500    |
| Pamphlet on—                            |                  |          |
| Wiring.....                             | 50,000           | 830      |
| Lighting.....                           | 50,000           | 830      |
| Plumbing.....                           | 100,000          | 1,600    |
| Refrigerators.....                      | 100,000          | 1,600    |
| Electric ranges.....                    | 100,000          | 1,600    |
| Water heaters.....                      | 100,000          | 1,600    |
| Electric washers.....                   | 100,000          | 1,600    |
| Irons and ironers.....                  | 100,000          | 1,600    |
| Vacuum cleaners.....                    | 100,000          | 1,600    |
| Radios.....                             | 100,000          | 1,600    |
| Roasters.....                           | 100,000          | 1,600    |
| Brooders.....                           | 100,000          | 1,100    |
| Milkers.....                            | 100,000          | 1,100    |
| Milk coolers, etc.....                  | 100,000          | 1,100    |
| Cream separators.....                   | 100,000          | 1,100    |
| Hot beds.....                           | 100,000          | 1,100    |
| Utility motors.....                     | 100,000          | 1,100    |
| Pumps and water systems.....            | 100,000          | 1,100    |
| Electric fencing.....                   | 100,000          | 1,100    |
| Incubators.....                         | 100,000          | 1,100    |
| Dairy refrigeration.....                | 100,000          | 1,100    |
| Motor-driven machines.....              | 100,000          | 1,100    |
| Technical lighting.....                 | 100,000          | 1,100    |
| Improved use of lighting.....           | 100,000          | 1,100    |
| Improvement in cooking.....             | 100,000          | 1,100    |
| Improved use of refrigeration.....      | 100,000          | 1,100    |
| Improvement in laundry work.....        | 100,000          | 1,100    |
| Improvement in kitchen planning.....    | 100,000          | 1,100    |
| Improvement in house cleaning.....      | 100,000          | 1,100    |
| Letterheads, forms, etc.....            |                  | 8,500    |
| Total.....                              |                  | 70,000   |

The effect of my amendment is to reduce the sum available for R. E. A. pamphlets, folders, and so forth, by 50 percent. This will leave over \$30,000 for this type of publication.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Wigglesworth].

The amendment was rejected.

The Clerk read as follows:

Loans, Rural Electrification Administration: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7, of the Rural Electrification Act of May 20, 1936 (7 U. S. C. 901-914), \$30,000,000.

Mr. RANKIN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: On page 36, line 19, strike out "\$30,000,000" and insert "\$40,000,000."

Mr. RANKIN. Mr. Chairman, the reason that I offer this amendment providing for \$40,000,000 is because that is the

limit we can go under the law in any one year. If I were permitted to do so, I would make it at least a hundred million dollars. It is useless for me to repeat what the gentleman from Tennessee has just stated.

The Rural Electrification Administration is rendering the greatest service to the farmers of the Nation of any organization of its kind I have ever known. Every State in the Union has applications for these loans. Understand, this is not money given away, but it is money that will be paid back with interest.

The report shows that against the amount provided there are now on hand requests for which no funds are available for loans in the total sum of \$78,000,000. This is not a personal matter with me, because I may say frankly, and I am probably the only Member of Congress who can make this statement, that every county in my district has a rural electrification project now under way. However, I find the following States in which the excess of applications over funds available is more than a million dollars:

Iowa, \$8,144,000; Minnesota, \$7,000,000; Nebraska, \$6,000,000; Texas, \$5,000,000; Ohio, \$5,000,000; Michigan, \$4,000,000; and Georgia, \$3,000,000. The list also includes the States of Kentucky, Wisconsin, Indiana, Pennsylvania, Idaho, New Mexico, Arkansas, Kansas, Oklahoma, Illinois, Missouri, and others. These are the States wherein applications amount to a million dollars more than the funds allotted. The smaller States, mine included, all have made application for such loans.

While we cannot make the appropriation more than \$40,000,000 a year, I believe we would be more than justified, if we could do it, in raising the appropriation to \$100,000,000 a year. I hope the law may be later changed so we can raise it to \$100,000,000 a year. Then, instead of spending money which will not come back to the Treasury, we will be lending to the farm communities, the rural counties, money which will come back, money which will help the man who is trying to help himself, money which will light his home, money that will lift from him the drudgeries of farm life, and money that will help to lift from the shoulders of his wife and children the onerous burdens of household drudgery.

I sincerely trust this amendment will be unanimously adopted.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on the pending section and all amendments thereto close in 10 minutes.

The CHAIRMAN (Mr. COOPER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PACE. Mr. Chairman, I hope the Committee will approve this increase. In the first place, the Rural Electrification Act provides that for the first 8 years the appropriation for rural electrification shall be \$40,000,000 annually. The bill now before you provides for only \$30,000,000. The pending amendment is to increase this amount to \$40,000,000, as provided in the act.

I do not believe any New Deal project has been undertaken which has done as much for the comfort, welfare, and betterment of the people of the rural districts as the Rural Electrification Administration is doing today. The R. E. A. is not only serving them with electric light and power, which they have never enjoyed before, but is providing considerable employment for those who manufacture electrical appliances. The committee report shows there are now pending \$78,000,000 in applications, with only \$30,000,000 appropriated under this bill to take care of them, and with new applications being filed every day. In every State of the Union, as is shown by the hearings, applications are pending in amounts ranging from a few thousand dollars to eight or ten millions of dollars. I believe it is certainly in the interest of the principle which inspired the passage of the Rural Electrification Act that an appropriation of the amount set by that act, \$40,000,000 annually, should be authorized at this time.

From my own district in Georgia there are now pending six or eight applications which have been approved, but no

funds are available. These applications aggregate several hundred miles of electric power lines to serve several thousand farm families. Those people are entitled to the comforts, conveniences, and advantages which electric light and power will bring to them. I want to see a power line going into every farmhouse in my district.

May I remind you that this money is not a gift or grant. It is to be loaned to organizations of farmers to build electric lines, at 3 percent for 20 years, and every dollar of it will be paid back. It will also provide additional employment in building the lines and for those who can work in plants which manufacture wire, refrigerators, stoves, electric motors, and other electric appliances.

Mr. LUCKEY of Nebraska. Mr. Chairman, I hope the amendment now pending will be supported. In my district there are a number of counties where rural electrification is well under way, but there are other counties which cannot be developed because not enough funds are available.

During the time between the regular and special sessions last summer I was in Europe and had an opportunity to visit various countries, including Sweden, Denmark, Germany, Switzerland, and France. I was amazed at the wonderful progress which has been made in those countries along the line of rural electrification. For instance, 95 percent of the farms in Sweden are electrified, and in Switzerland practically everything is electrified. Everyone has electricity. This is something we must do in our country because there is a great demand for power. In eastern Nebraska we will have to resort to pump irrigation. If we have rural electrification we can get cheap power so a farmer can irrigate a number of acres for his farm lot, his garden lot, his orchards, and the like.

Rural electrification will help to reduce the burden of farm life and make farm life more attractive.

This increase will not require additional funds from the Treasury because the money will be loaned and will be paid back to the United States Government with interest. If we could have the additional amount sought in this amendment it would help to put many people back to work in the building of rural electrification lines, and would also create a demand for appliances. In agricultural States like Nebraska it will increase farm prosperity and will help maintain balanced farm income.

I hope you will support this amendment. [Applause.]

[Here the gavel fell.]

Mr. CREAL. Mr. Chairman, a slogan of the Democratic Party is "Equality to all and special privileges to none." Unless we extend these benefits to some of the other approved projects, I am afraid we will be guilty of doing something in violation of this slogan.

In my district six counties have rural electrification, but eight more, which are just as well qualified in every respect, do not have it. To some extent I blame the administration of the Rural Electrification Administration for going around and whetting the appetite of these people to receive benefits. They have made the people believe they would receive rural electrification, and have told them they were qualified. Now there is great disappointment. If the administration of Rural Electrification Administration had not followed this course, then this great inequality would not now exist in many congressional districts.

One gentleman referred to the fact that we in rural America are far behind men of like circumstances in many parts of Europe. Rural electrification is not in competition with power companies, but penetrates a field where the power companies have never gone, and serves people who would not be served in this generation, or probably the next, except by this method. It is not a dole and not an appropriation for relief. I believe it is the soundest proposition on which the Government has ever lent money. We have had large losses in the farm loans, home owners' loans, and others. Experiment in connection with rural electrification has shown that practically every customer has consumed more electricity than he anticipated he would, thus strengthening the financial set-up of the situation.

Mr. WOODRUM. Mr. Chairman, I can heartily subscribe to what gentlemen have said in commendation of the program of the Rural Electrification Administration. I believe it is a fine program; one in which our farmers are interested. I would not do anything to cripple it. I know it is close to the President's heart, and I believe it is close to the heart of Congress. Further, the distinguished and vigorous gentleman at the head of the Rural Electrification Administration, Mr. Carmody, I believe, is doing a fine job and we appreciate it. For this reason we have allowed the R. E. A. \$30,000,000 of the people's money to lend the farmers of the country during the next year for this purpose.

This is merely one of the links in the chain to help the farmers of America. This is the same amount they had last year for loans and administrative expenses and is the exact amount which the Budget and the President think should be expended on this activity during the next fiscal year.

While it is true these loans have to be paid back, yet the money comes out of the Treasury and is a charge upon the Treasury and is reflected in the Budget picture.

Notwithstanding how much we may think of this activity, Mr. Chairman, I think it would be disastrous to increase the Budget estimate \$10,000,000 in this bill, which is the first appropriation bill to come up this session.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. RANKIN. I am correct, am I not, in the statement that the applications for loans already exceed the amount allowed by \$78,000,000?

Mr. WOODRUM. Yes; that is correct, and if we made it \$40,000,000 there would still be \$38,000,000 which could not be granted.

Mr. RANKIN. I understand this is not enough and I said that in the beginning of my remarks. I would like to increase the amount more, but this is all we can increase it under the present law.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. MAY. Has there been a single agency of the Government that has not asked for more money than the committee has given them?

Mr. WOODRUM. Yes; there have been some agencies of the Government that have not asked for more money than has been recommended.

Mr. MAY. But there have been many that have asked for more than they were given?

Mr. WOODRUM. Yes; that is true.

Mr. DIRKSEN. Mr. Chairman, will the gentleman from Virginia yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. If the extra \$10,000,000 were allowed, the administrative costs would go up and there would be other expenses involved and it would be almost a year before they could give the right kind of supervision to this work, so if we authorized the increased amount of money they could not spend it for some time.

Mr. RANKIN. My friend from Illinois is so far wrong.

Mr. DIRKSEN. No; your friend from Illinois does not go by everything that appears in the record the gentleman has there, because often things happen or statements are made that are off the record.

Mr. RANKIN. And, perhaps, the gentleman from Illinois is talking to a Member who has had more experience in this matter than any other Member of the House. I say that the personnel is already on the pay roll and the applications have been approved, and there will be no extra expense of that kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 37, noes 47.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WOODRUM and Mr. RANKIN.

The committee again divided; and the tellers reported that there were—ayes 53, noes 64.

So the amendment was rejected.

The Clerk read as follows:

#### SOCIAL SECURITY BOARD

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it in titles I, II, III, IV, VII, IX, and X of the Social Security Act, approved August 14, 1935, including three Board members, an executive director at a salary of \$9,500 a year, a director of the old-age benefits division at a salary of \$9,000 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed \$10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman; not to exceed \$10,000 for payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph, and not to exceed \$900 for teletype news services and tolls; newspapers and press clippings (not to exceed \$1,500); periodicals, manuscripts and special reports, purchase and exchange of lawbooks and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; purchase and exchange, not to exceed \$25,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, \$21,450,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase by the Board when the aggregate amount involved does not exceed the sum of \$100: *Provided further*, That the Board may expend not to exceed \$25,000 of the sum herein appropriated for temporary employment of persons or organizations, by contract or otherwise, for special accounting, actuarial, statistical, translating and reporting, engineering, and organizational services determined necessary by the Board, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided further*, That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further*, That this latter proviso shall not apply to the salaries of the Board members nor to the compensation of persons or organizations temporarily employed for the special services described in the second proviso of this paragraph.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 39, line 19, after the word "chairman", strike out the semicolon, insert a colon and the following: "*Provided*, That no part of the funds herein appropriated for travel shall be used for travel in foreign countries."

Mr. DIRKSEN. Mr. Chairman, the amendment speaks for itself. It simply puts a limitation on the travel allowance so that no part thereof can be used for travel in foreign countries.

Mr. WOODRUM. I have no objection to the amendment, Mr. Chairman.

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman.

I notice in line 21, page 39, there is an authorization of "not to exceed \$10 per diem in lieu of subsistence." Is this authorization uniform with the practice of the Government in other branches?

Mr. WOODRUM. This is for persons who are not on the pay roll, who are asked to come here in an advisory capacity and are not employees of the Government.

Mr. WADSWORTH. Is that made perfectly clear there?

Mr. WOODRUM. I think it is; yes. The language is "not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity."

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Social Security Board, \$329,300,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word to inquire of the chairman of the committee about the Federal aid for old-age assistance. What part does the Government take with reference to the amount paid these pensioners?

Mr. WOODRUM. The Government matches the amount paid by the States, not to exceed \$15 a month.

Mr. DOWELL. That is the point that I want to get at. As I understood this bill, it provided that the Government should match the amount the State paid to the pensioner. In other words, if the pensioner receives \$25, the Government appropriates up to \$15 a month.

Mr. WOODRUM. Twelve dollars and fifty cents a month.

Mr. DOWELL. Does that go to the pensioner or to the State?

Mr. WOODRUM. It goes to the State. It reimburses the State.

Mr. DOWELL. Then, as I understand, the pensioner receives no special benefit by reason of the assistance by the Government.

Mr. WOODRUM. Oh, yes; he does, because the State could not pay the \$25 unless it got the \$12.50 from the Federal Government to do it. The fact that the State knows that the Federal Government is going to pay half enables the State to increase the amount that it pays to the pensioner.

Mr. DOWELL. Some of the States enacted legislation prior to the passage of the bill by the Congress.

Mr. WOODRUM. That is a matter of State policy. The Congress cannot control that.

Mr. DOWELL. In that event the State receives the benefit and not the pensioner?

Mr. WOODRUM. That is true.

Mr. DOWELL. In other words, the Government is not contributing to the pensioner, but it is making a contribution to the State. How many of the States are receiving this benefit?

Mr. WOODRUM. I think all of the States are participating in that.

Mr. DIRKSEN. Yes; and Hawaii and Alaska, and I think Puerto Rico.

Mr. DOWELL. Then it is not increasing the pension to the pensioner because of the contribution to the State by the Federal Government.

Mr. WOODRUM. I think an overwhelming majority of them are enabled to pay the pensions because of the fact that the Federal Government is giving this assistance. I think the case the gentleman has in mind is a rare instance.

Mr. DIRKSEN. This money does not go to the State as such. The State can use it for no other purpose except to pay the pensioner, so it is to the benefit of the pensioner.

Mr. DOWELL. But the pensioner receives his or her benefit from the State.

Mr. DIRKSEN. Certainly.

Mr. DOWELL. Then the amount is not paid to the pensioner, but the Government contributes to the State after the State has already paid it?

Mr. DIRKSEN. No.

Mr. WOODRUM. It reimburses the State to the amount of 50 percent.

Mr. DOWELL. Is it not true that the pension laws of the several States are not uniform? In other words, the pension provided may be \$15 or \$10, or in some other State \$25. Then, as I understand it, the Government does not make an equal contribution to the various States for the number of pensioners, but pays according to the amount that the State pays.

Mr. WOODRUM. The amount paid to the pensioner and his eligibility for receiving benefits are matters that must be left to the individual States, but they have to present their pension plans, which in essential detail must conform to a certain standard set up by the Social Security Board.

Mr. DOWELL. But, of course, under that system the Government does not contribute equally to the pensioners, because in one State the pensioner may be getting a small amount and in another State a large amount.

Mr. WOODRUM. It is equal within the States, and that is as far as we can go.

Mr. DOWELL. Are there any States where the contribution by the Government is added to the amount provided by the State?

Mr. WOODRUM. If it is already being paid by the State. As to where it has been increased, I do not know what the situation is.

Mr. DOWELL. The gentleman does not have that information?

Mr. WOODRUM. It probably appears in the hearings, but I have forgotten.

Mr. DIRKSEN. The proceeding is entirely uniform with respect to all of the States.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TAYLOR of Tennessee. Mr. Chairman, I rise in opposition to the pro forma amendment. When we had before us the Social Security Act, when it was first enacted, it was certainly the intention or at least the hope of Congress that the entire \$30 per month would be paid to indigent aged over 65 years of age. In my State the legislature, I regret to say, has limited that amount to \$25, which, if the maximum pension is allowed, would require a contribution by the Federal Government of only \$12.50. There has been general dissatisfaction in Tennessee, especially in my district, with the administration of this old-age pension assistance. Pensions as low as \$10 per month have been allowed, which would represent \$5 from the State and \$5 from the Federal Government. I do not know any way by which we in Congress can correct this abuse, but at the time this bill was before the Congress I introduced an amendment which would have required the Federal Government to pay out of the Treasury the entire pension.

But we were informed by the majority leader at that time that the President would not approve the measure unless it required equal participation on the part of the State. Mr. Chairman, I merely wish to call the attention of the House to the unsatisfactory administration of this old-age assistance fund in Tennessee, and I understand the complaint is general throughout the country.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. TREADWAY. May I ask the gentleman if the unsatisfactory administration is not of a State nature rather than Federal nature?

Mr. TAYLOR of Tennessee. Absolutely.

Mr. TREADWAY. Is not the Federal Board complying with the Social Security Act in its method of dividing the cost with the State? If a State does not see fit to give a large pension that is not the fault of the Federal system.

Mr. TAYLOR of Tennessee. There can be no legitimate criticism of the Federal Government so far as the administration of the act is concerned; the criticism attaches exclusively to the State administration.

Mr. TREADWAY. I wanted to make sure that I understood the gentleman.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

#### TARIFF COMMISSION

For salaries and expenses of the Tariff Commission, including personal services in the District of Columbia and elsewhere, purchase and exchange of labor-saving devices, the purchase of professional and scientific books, lawbooks, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (19 U. S. C. 1330-1341), \$918,000.

of which amount not to exceed \$2,500 may be expended for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the Commission; and not to exceed \$7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed \$1,700 for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. TREADWAY. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. TREADWAY: On page 44, line 6, after "1341", strike out "\$918,000" and insert in lieu thereof "\$893,000."

#### FOREIGN-TRADE AGREEMENTS

Mr. TREADWAY. Mr. Chairman, members of the committee who listened to the explanation of the hearings before the Appropriations Committee made yesterday by my colleague the gentleman from Massachusetts [Mr. WIGGLESWORTH] need no argument presented to them at this time to show that we can very readily reduce this appropriation by \$25,000 in view of lessened activity on the part of the Tariff Commission in carrying on investigations and other functions wherein they have saved \$25,000 this year. If I understand the figures correctly, that amount is being appropriated to be continued in the coming year.

I wish at this time particularly, Mr. Chairman, to call attention to the Record of last Saturday, wherein there is listed, in fine print, nine and one-half pages of articles on which this country will consider granting concessions in connection with the proposed British trade treaty. This list practically shows the intention of the administration in relation to the coming agreement about to be entered into with Great Britain. Virtually the whole of the Tariff Act is there brought to the attention of the people as indicating the items that will be considered by the trade treaty negotiators on the part of this country and, I suppose, a similar group from Great Britain.

If a substantial number of these articles are finally included in the proposed treaty, as, of course, will be the case, it will amount to a general tariff revision. In other words, a horizontal tariff reduction all along the line.

The concessions granted to Great Britain will, under the existing policy, be extended gratuitously to all other countries.

Never before has the danger inherent in the authority granted to the President to make tariff reductions been so manifest.

Great Britain regards this hearing as so important that the British Ambassador, Sir Ronald Lindsay, according to today's press, is to head the British group.

I submit, Mr. Chairman, that if there is anything at all in the system under which this Government has operated for so many years, namely, a protective tariff, that now is the time when Congress should assert itself and tell the country that it is not prepared to enter into any form of agreement with any nation on the face of the globe for reducing nearly every item in the tariff.

I was one of those who opposed the reciprocal-treaty procedure from the start, and particularly am I opposed to any reciprocal method that does not recognize the difference in cost of production between this country and a foreign country with whom we are to enter into a treaty. I think there is something fundamentally wrong when we invite another nation to send representatives to this country and enter into a trade agreement with that nation that attacks practically every competitive industry we have in this country.

There is not a schedule in the Tariff Act that is not included in the list published in the RECORD of last Saturday. Over 400 items are mentioned.

There is almost a page of items under the chemical schedule, including various oils, paints, and so forth, and soap.

There is nearly a page of articles in the earthenware and glassware schedule.

The list of articles under the metal schedule covers nearly every item in that schedule, including steel and iron products of all kinds, hardware, machinery, and engines, and so forth.

Several items under the wood schedule are included.

Items in the sugar and tobacco schedules are listed.

A number of items under the agriculture schedule are included.

The same is true of the liquor schedule.

When the textile schedules are reached the list again becomes virtually a recitation of the law, including cotton yarn, cotton cloth, and other cotton manufactures, flax, linen fabrics and manufactures, certain wools and various woolen fabrics and manufactures of wool, together with certain silk and rayon manufactures.

A long list of items under the paper schedule are included.

It requires over a page and a half of the RECORD to list the items under the sundries schedule, including shoes.

Thus we see the enormity of the changes contemplated.

Who are the people that are going to tell us, the Congress elected by the people, what tariff rates shall henceforth apply to foreign imports? Why, Mr. Chairman, the representative of the Tariff Commission on the reciprocity committee is the gentleman who came here originally to write the Reciprocal Treaty Act, Mr. Grady, the man who today is chairman of that committee. At the time the reciprocal treaties were put into effect he was the man who assisted Professor Sayre.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Chairman, this appropriation for the Tariff Commission is too important a matter to pass over lightly here at this time. I, therefore, moved to reduce by a very small amount the funds the Tariff Commission may spend in various forms of investigation.

I maintain, Mr. Chairman, that the reciprocal-treaty procedure is unconstitutional, as invading the treaty-making power of the Senate and the revenue-raising power of the House of Representatives. But, in any event, we should not destroy the industries of this country by entering into bargains favorable to other nations where practically every article of a competitive nature is named in the possible agreement with the foreign country.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. KNUTSON. I am sure the gentleman from Massachusetts wants to be fair. He has mentioned Mr. Grady. Mr. Grady merely reflects the sentiments of this administration, and this administration is out-and-out free trade.

Mr. TREADWAY. I do not question the capacity or ability of Mr. Grady. I, for one, maintain that we might at least have an impartial board. To the heads of the administration who are so favorable to giving away our industrial prosperity, I say I can see no reason why there should come into New England a group of men to look over our industries—textiles, cotton, woolen, machinery, almost every kind of industry is represented in New England—and say what we can produce here and what we must buy from abroad.

Mr. TABER. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from New York.

Mr. TABER. The gentleman spoke of our industrial prosperity. Where is our industrial prosperity?

Mr. TREADWAY. It has receded very tremendously, like the picture in the Star the other night, which depicted the gentleman now in the White House on the beach of depression.

Mr. GREEVER. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Wyoming.

Mr. GREEVER. Does not the gentleman feel there should be legislation which would require the submission of these treaties to Congress before being ratified?

Mr. TREADWAY. Absolutely.

Mr. KNUTSON. We tried to have that done.

Mr. TREADWAY. That is what the minority advocated at the time the treaty program was adopted. However, we were run over roughshod and as a result there is no control whatsoever over what goes into effect.

Mr. KNUTSON. The gentleman from Massachusetts offered an amendment on the floor of this House and it was defeated on a strict party vote, the Republicans voting for it.

Mr. WHITE of Ohio. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Ohio.

Mr. WHITE of Ohio. Does not the gentleman think if we are going to make reciprocal-trade treaties at all we should refuse to make them with any Nation that has failed to settle its war debt with us?

Mr. TREADWAY. I think that is a very pertinent question, but it is not directly involved in the prosperity of industry throughout the United States or the protection of American labor. The gentleman from Ohio has in his State the pottery industry, which is one of the great industries of that State. The pottery manufacturers claim there is not a sufficient duty for them to compete with the products of foreign countries. Pottery is down with the industries of New England to be considered, together with such other items as shoes and so forth, in a proposed reciprocal treaty that the State Department now wants to put into effect with Great Britain. It means the ruination of the industries of our country.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The sheep industry in my State is at a standstill because of the uncertainty that has been created by not knowing what will happen to wool in the proposed trade agreement with Great Britain.

Mr. TREADWAY. I may say to the gentleman he has no monopoly on fear. We have it all over the country. On account of the uncertainty as to what kind of legislation may be passed by this Congress from day to day at the dictation of the arbiters of our welfare, this fear exists.

Mr. CASE of South Dakota. And that is responsible for the recession?

Mr. TREADWAY. That is one of the reasons for the recession. We are going right ahead and making it worse all the time.

Mr. BATES. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Massachusetts.

Mr. BATES. Will the gentleman state to the House what he considers to be the reason for the very serious situation which exists in the shoe industry of Massachusetts?

Mr. TREADWAY. I yield to the gentleman from the shoe section to describe that situation to the House. Perhaps he can tell the House why there is such a serious situation in the shoe industry.

Mr. BATES. Will the gentleman state to the House also what the trouble is with the woolen industry, which is our second largest industry?

Mr. TREADWAY. The gentleman could go right straight on down the line and mention machinery, cotton, and every branch of the textile industry.

Mr. Chairman, I have called this long list of articles to the attention of the House and to the country for the purpose of emphasizing that if the policy of protection is to be saved, the proposed treaty with Great Britain will be the last-ditch fighting ground. After this treaty is entered into there will be nothing left on which to make any more concessions.

The gravity of the situation is apparent when we consider the fact that while we are in a period of rising production costs, which automatically increase the foreign cost of production advantage, the administration is making wholesale

tariff concessions, further increasing that advantage. The inevitable result will be ruin for large sections of American industry and agriculture.

Every time we buy foreign articles that displace similar products made here, we take work away from our own people. There is no assurance under the trade treaties that other American industries will be compensated by increased exports. We are playing a losing game, which helps other countries and hurts our own.

I am for tariff reciprocity, but of the McKinley type, under which protection and reciprocity go hand in hand. Under that policy we exchange our surpluses for the products which we need and do not produce. This involves no loss of employment to our own labor nor the destruction of any American industry. The present reciprocal-tariff policy is not of that kind.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I know my good friend from Massachusetts and all of the enemies of the Tariff Commission and reciprocal-trade agreements feel better now because annually they get all of this out of their systems.

The Congress has set up this activity and has provided for it. This is the Budget estimate and I ask the gentlemen to support the committee because if they do not do so my friend would have heart failure and I would not want him to have that because I know he expects you to follow the committee.

Mr. TREADWAY. The working people of the country are the ones who are getting heart failure as a result of legislation the gentleman is advocating.

Mr. WOODRUM. I am going to have heart failure if my friend comes here and sheds any tears about the working people of the country.

Mr. TREADWAY. I do not want the gentleman to have heart failure.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The amendment was rejected.

The Clerk read as follows:

#### TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933 (16 U. S. C., ch. 12a), as amended by the act approved August 31, 1935 (49 Stat. 1075-1081), including the continued construction of Pickwick Landing Dam, Gunterville Dam, Chickamauga Dam, and Hiwassee Dam, and for construction of a dam at or near Gilbertsville, Ky., and for preliminary investigations of sites for dams at or near Watts Bar and at or near Coulter Shoals on the Tennessee River, Tenn., and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, fiscal year 1939, \$37,087,000: *Provided*, That this appropriation and any unexpended balance on June 30, 1938, in the "Tennessee Valley Authority fund, 1938", and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1939 (except as limited by section 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority fund, 1939", to remain available until June 30, 1939, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1938" and for contractual obligations for the procurement of equipment as authorized in the Second Deficiency Appropriation Act, fiscal year 1937: *Provided further*, That in addition to the amount herein appropriated, the Tennessee Valley Authority is hereby authorized to incur obligations and enter into contracts for the procurement of equipment to be installed in dams and power-houses in an amount not in excess of \$4,000,000, and this action shall be deemed a

contractual obligation of the Tennessee Valley Authority and the United States for payment of the cost thereof.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 45, line 23, after "1939", strike out "\$37,087,000" and insert in lieu thereof "\$36,159,000."

Mr. TABER. Mr. Chairman, this is an amendment which I think the Committee of the Whole and the House would approve if they would study it carefully.

In 1938 it was estimated that the Tennessee Valley Authority would spend \$390,000 for special and miscellaneous expenses. In 1939 the Authority has asked, and the committee has allowed, \$1,240,000.

I propose by my amendment a cut of \$500,000, which would still leave an increase of \$300,000 to be expended in 1939 for that particular item. I propose also a cut of \$22,000 in their expenditure for printing and binding. That is the increase over the allotment this year.

In this connection I call the attention of the House to the fact that all of the estimates in these appropriation bills were made up on the basis of a large increase in the cost of paper for the year 1938. These are the facts: Bids were asked by the Government Printing Office for paper in June 1937, and these bids showed an increase, and the Budget estimates for printing and binding are based on that increase. The bids received in December 1937 showed a decrease of something like 20 percent below previous figures. Unless we assume a large increase in the cost of paper we cannot justify any of these printing and binding appropriations.

To bring this figure down within that limit, I have proposed this \$22,000 cut.

I have also proposed that we go back to the figure allotted for this fiscal year for the development and research work on Coulter Shoals Dam and Watts Bar Dam. These dams it is not proposed to build for another year. The appropriation for research and investigation on Watts Bar is proposed to be increased from the 1938 figure of \$115,000 to \$463,000, and on Coulter Shoals from \$150,000 to \$208,000, the two increases totaling \$406,000. I propose to reduce this appropriation by the total of these sums. It is perfectly apparent that if the T. V. A. could get along with what they have this year for these activities no harm can be suffered by them. Unless we take steps to cut down appropriations where they can be cut, we are not going to get anywhere in balancing the Budget. I ask even of the friends of this Authority support for this amendment, because it is perfectly clear that without any damage whatever these cuts can be adopted and put into practice, and \$928,000 saved the Treasury.

Mr. Chairman, I ask the adoption of this amendment.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. KNUTSON. Mr. Chairman, within the past month I have had a man down in the Tennessee Valley at my own expense looking into the set-up and operation of the T. V. A. The facts he has uncovered are perfectly amazing. I venture the assertion that if this Congress will vote a full and complete investigation of the activities of the T. V. A., the result will make Teapot Dome look like a mole hill.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Missouri.

Mr. COCHRAN. If the gentleman will bring the evidence about which he is talking before the Committee on Expenditures in the Executive Departments, we will give it every consideration, and if there is anything to the evidence along the line the gentleman has stated, that it is worse than Teapot Dome, the gentleman can get an investigation by the committee and there will be no delay.

Mr. KNUTSON. I expect to lay my facts before the House.

Mr. COCHRAN. Why does not the gentleman bring them before the committee which has the jurisdiction to investigate?

Mr. KNUTSON. The gentleman's committee has not shown a very strong desire to expose anything in the way of inefficiency, waste, and graft under the New Deal. However, I will take a long shot and submit some very interesting evidence to the gentleman.

Mr. COCHRAN. We will be very pleased to have it.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Michigan.

Mr. MICHENER. I take it, then, that if the gentleman from Minnesota submits this evidence to the gentleman from Missouri, the gentleman from Missouri will come on the floor of the House with a resolution seeking authority to investigate, because he has no such authority now?

Mr. COCHRAN. The committee of the gentleman from Missouri has authority to investigate and does not require further permission of the House.

Mr. MICHENER. The gentleman's committee cannot swear witnesses and cannot subpoena witnesses.

Mr. COCHRAN. The gentleman from Minnesota says he has the evidence. You hear that on the floor every day. Now, bring over the evidence that will show a condition worse than Teapot Dome and you will have the investigation. Is that not plain enough?

Mr. MICHENER. But the gentleman's committee has no jurisdiction.

Mr. COCHRAN. Bring it over or keep still. I say we have jurisdiction.

Mr. KNUTSON. Just keep your shirt on.

Mr. COCHRAN. I have not attempted to take it off as yet.

Mr. KNUTSON. You are liable to lose it if you do not.

Mr. Chairman, the T. V. A. has spent several hundred million dollars without having its books audited by the General Accounting Office. Let me call to the attention of the gentleman from Missouri one incident down there, where they built a filling station at Norristown at a cost of \$70,000, which local people say they could duplicate for \$10,000.

I will give the gentleman my evidence, and I want him to do something about it.

Mr. COCHRAN. Bring it over, or if you telephone me I will call for it.

Mr. KNUTSON. Mr. Chairman, in these days when our people are being bled white to pay taxes of all kinds, I feel it is incumbent upon Congress to see to it that the money we wring from our people should be expended in the best possible way, free from waste and graft.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Virginia [Mr. WOODRUM] is recognized for 2 minutes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield for a question?

Mr. WOODRUM. I yield for a question.

Mr. COCHRAN. Did the gentleman from Minnesota [Mr. KNUTSON] bring before the gentleman's subcommittee any of the evidence he has spent money out of his own pocket to secure?

Mr. WOODRUM. No. The subcommittee was in session and went into details. One Member came before us and made a statement, which appears in the record.

Mr. KNUTSON. How many days was the gentleman's committee in session on this item?

Mr. WOODRUM. On this item we have been in session 30 or 40 days.

Mr. KNUTSON. I say, on this item.

Mr. WOODRUM. Thirty or forty days. If the gentleman had asked for a hearing, he could have had it.

Mr. KNUTSON. The gentleman's committee was in session 1 day on this subject.

Mr. WOODRUM. We heard everybody who wanted to be heard, and the gentleman did not come.

Mr. KNUTSON. Let me say to the gentleman—

Mr. WOODRUM. I do not yield further to the gentleman—so sit down and keep your shirt on a little bit.

Mr. Chairman, with all due deference to my good friend, I have heard the wind blow before; and I doubt exceedingly whether this gentleman he is paying out of his own pocket will bring back anything except something dripping with partisan hatred, in which our committee is not interested.

Mr. KNUTSON. No; of course not.

Mr. WOODRUM. With respect to this appropriation, we have cut the Tennessee Valley Authority \$2,913,000, and, with this cut, what we authorize them to expend next year is something like \$10,000,000 below what they are expending this year. We also take out their right to begin construction on the Gilbertsville Dam.

I do not know whether or not there ought to be a general investigation of the Tennessee Valley, but I do not believe they ought to proceed upon the construction of the Gilbertsville Dam or perhaps any other very wide operations, until at least there is some semblance of harmony and unity in that Board. I believe every Member of Congress would like to see the members of that Board get together and know what they want to do before we give them very much more money. However, we have cut them to the bone here.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 25, noes 49.

So the amendment was rejected.

Mr. STARNES and Mr. COCHRAN rose.

Mr. STARNES. Mr. Chairman, I offer an amendment.

Mr. WOODRUM. Mr. Chairman, I would like to see if we can agree on time. I observe there are three amendments about to be offered and I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. COCHRAN. Mr. Chairman, reserving the right to object, this is a very important paragraph of the bill and I would like to have 5 minutes. Why not follow the same procedure followed by the chairman of the Committee on Agriculture when he had his bill up here and find out who wants to speak and fix the time in that way?

Mr. WOODRUM. There are only three amendments.

Mr. COCHRAN. But there are about 10 Members who want to speak on them.

Mr. WOODRUM. We have a lot of the bill to finish and the gentlemen do not want to stay here all night.

Mr. COCHRAN. You are appropriating a lot of money.

Mr. WOODRUM. We are cutting down the items, too.

Mr. COCHRAN. You are not cutting them down very much.

Mr. WOODRUM. It seems to me 30 minutes should be sufficient.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. COCHRAN. I object, Mr. Chairman.

Mr. WOODRUM. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 35 minutes.

The motion was agreed to.

Mr. STARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARNES: On page 45, line 23, after the comma following the figures "1939", strike out "\$37,087,000" and insert in lieu thereof "\$37,187,000."

Mr. STARNES. Mr. Chairman, the purpose of this amendment is to restore an item of \$100,000 to the amount estimated to be used for the chemical engineering research and experimentation department of the Tennessee Valley Authority.

Looking to the historical background of the development of the Muscle Shoals area, Wilson Dam was constructed for the purpose of manufacturing nitrates in war and fertilizer in time of peace, and the committee here, I think, goes entirely too far in its desire for economy, which is laudable, in taking from the amount allotted for research on fertilizer and soil improvement this item of \$100,000.

I live in this area. I know that the T. V. A. has made remarkable strides in its chemical research and in the development of a finer and a higher grade of fertilizer—first, triple superphosphate and then later metaphosphate, about 70 percent of which is plant food, the highest content ever developed in the history of the fertilizer industry.

This fertilizer is not sold but is given out to the Extension Service of the Department of Agriculture, and through farm cooperatives to farmers to be used on their land; and I do know from personal experience that the farmers in this area are deriving a great benefit from the use of the fertilizer. I may say that 90 percent of the commercial fertilizer used in this country is used in the 10 Southeastern States that are adjacent to the T. V. A. territory.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. STARNES. I will be pleased to yield to the gentleman from New York.

Mr. TABER. Does not the gentleman think that the Authority could save enough out of the items in which I have suggested a cut, without hurting anything at all, to take care of what the gentleman has in mind?

Mr. STARNES. That is aside from the subject. This is the amount allotted by the Budget.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I will be pleased to yield to the chairman of the subcommittee.

Mr. WOODRUM. As I understand, the amendment which the gentleman has now offered merely refers to the \$100,000 reduction below the Budget figure for chemical engineering research and experimentation?

Mr. STARNES. The gentleman is correct.

Mr. WOODRUM. Does the gentleman intend to offer amendments to take care of the other \$200,000?

Mr. STARNES. Yes; I do.

Mr. WOODRUM. I will say to the gentleman from Alabama I have conferred with the gentlemen of the minority. The committee reduced the amount for experimentation in fertilizer \$300,000.

Mr. STARNES. That is right.

Mr. WOODRUM. The committee felt there was some leeway and a curtailment could be made. I have discussed the matter with the gentleman and a great many Members are interested in it. As far as the committee is concerned, and I am authorized to speak for all the gentlemen, it will be satisfactory to split that amount and reinsert one-half of the amount of the reduction, which would be \$150,000, and if the gentleman will so amend his amendment, I shall be pleased to agree to that.

Mr. STARNES. I will be glad to do that, Mr. Chairman. I am delighted that the chairman of the subcommittee has agreed to accept my amendment restoring \$150,000 for chemical engineering research and experimentation, controlled soil and fertilizer investigations, research and development of farm equipment, and reforestation and erosion control. Fertilizer constitutes a great item of farming cost in my area. The farmers are entitled to cheap fertilizer. By the use of fertilizer soil fertility is restored. Soil control and prevention of soil erosion is being practiced daily, thereby conserving and utilizing the Nation's greatest natural resource for the benefit of its people. Under the reforestation program of the T. V. A., denuded hillsides in that area are being reforested. These things with improved farm methods are providing a happier and richer life for our people.

The CHAIRMAN. The Chair understands the gentleman from Alabama to ask unanimous consent to modify his amendment. Without objection, the Clerk will report the amendment as modified.

Mr. JENKINS of Ohio. Mr. Chairman, reserving the right to object, where does this other amendment apply?

Mr. STARNES. To the same item. The total amount of the paragraph is involved.

Mr. JENKINS of Ohio. The gentleman means the same item or paragraph?

Mr. STARNES. The same paragraph containing the figures for construction, research, and so forth.

Mr. JENKINS of Ohio. If the T. V. A. appropriation is embodied in the figures on page 45, why did the gentleman introduce three different amendments?

Mr. STARNES. Because there were separate items listed in the committee's report.

Mr. JENKINS of Ohio. But they are all in the same general item?

Mr. STARNES. Yes.

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

There being no objection, the Clerk reported the amendment, as follows:

Modified amendment offered by Mr. STARNES: On page 45, line 23, after the comma and following the figures "1939", strike out "\$37,087,000" and insert in lieu thereof "\$37,237,000."

Mr. JENKINS of Ohio. I reserve the right to object. How can you offer an amendment raising the sum \$150,000 when the amendment does not indicate where it applies?

Mr. WOODRUM. The debate shows where it applies. When the committee cut it out it did not show where it applies except in the report.

The CHAIRMAN. Is there objection to the request to so modify the amendment?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri for 3 minutes.

Mr. COCHRAN. Mr. Chairman, if it was sound to reduce this estimate in committee, submitted by the subcommittee, and the reduction approved by the full Committee on Appropriations, it is sound for the Committee to retain the reduction and defeat the amendment of the gentleman from Alabama, and not agree to a compromise.

I am going to read from an editorial in the St. Louis Globe-Democrat that tells you something startling about this new fertilizer. I read:

If T. V. A. scientists have developed a fertilizer that raises the yield of worn-out fields 63 percent, and if it can be widely distributed, A. A. A. plans for preventing crop surpluses will be jeopardized. The new concentrated fertilizer is called calcium metaphosphate and it is commonly known as "metaphos." The yield of a Georgia pasture increased 6 percent when it was treated with 1,000 pounds of lime, but when 300 pounds of metaphos was added production jumped 63 percent.

What would be the increase in cotton production if this powerful fertilizer were spread over all the acreage in the South that is still permitted to grow cotton, or will be after crop-control legislation now before Congress is enacted? There would be more bales of cotton than there ever had been in the unregulated past. New demands for acreage limitation would be heard, and there might also be demands for T. V. A. limitation, not voiced by the utilities. But it is not only plans to curb cotton production that are imperiled. The T. V. A. suggests that it will now be possible to utilize the great phosphate deposits of Idaho and adjoining States, since by the metaphos process with the use of electric power, which it says will be available in the Northwest, the plant food in the phosphates can be greatly concentrated and freight rates per effective unit can be reduced.

But at this time when there is so much talk about cooperation between Government and private industry it does seem that there should be better cooperation between different agencies of the Government. The A. A. A. and the T. V. A. should get their heads together and decide what is best for the farmers of the country. If it is larger yields, the production of metaphos should be promoted. But if decreased yields are what the country needs, then the T. V. A. should cease to utilize its process for making this highly concentrated and marvelously efficient fertilizer.

Mark my words. I tell you that when this bill comes back from the Senate the full amount will be in it, and this Committee will accept the full amount.

Here you have a fertilizer that they have developed that increases the yield 63 percent. Think of it. Increase the yield of cotton 63 percent, with cheap fertilizer, and what is going to be the price of your cotton? Those of you who represent cotton farmers can answer that question.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I have only a limited amount of time. On the one hand, we are appropriating hundreds of millions of dollars to reduce production and on the other hand we are appropriating money for research work that will improve

or develop a fertilizer that will increase production 63 percent, and in a few days you will have the agricultural bill here with millions and millions of dollars for research work to show the farmer how to raise more and better crops. If you ever heard of an asinine program, that is one. What we ought to do is to take all this money and apply it to research work in trying to find some way to use the surplus agricultural products—cotton, corn, wheat, and others. [Applause.] That is what we ought to do and not appropriate money to increase the yield in one bill and then in another bill make large appropriations for the purpose of asking the people and paying them to reduce their yield.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. No; I have only a few minutes. I regret I cannot yield to the gentleman from Kentucky. It seems to me to be actually foolish on the part of Congress to provide this increase. As I said in the first instance, if it were sound for this committee to reduce the appropriation at the outset, it is sound to keep it at that sum in the bill. There should be no compromise. I hope the amendment will be defeated.

Mr. VOORHIS. Mr. Chairman, I shall not offer the amendment that I had in mind because it is covered by the amendment of the gentleman from Alabama [Mr. STARNES]. This research work in the field of chemistry and fertilizers that the T. V. A. is doing is, to my mind, a complementary work to the soil-conservation program and not a contradictory one. I have said several things about the production-restriction program in this House and I do not like it, but America faces a real crisis with regard to the conservation of the fertility of her soils as anybody knows who has paid any attention to it, whether he be a scientist or not. Three hundred million acres of our fertile topsoil is gone beyond hope of restoration. We must act now, and as a Nation, if we are to save the rest of our land. This chemical research work of the T. V. A. has been probably the most important research work in making possible the production of cheap and easily transported fertilizer ever carried on. It is bringing on the day when we can get the phosphates in Idaho where most of the supply exists and transport it to the rest of the Nation, thousands of miles away, at a cheap enough cost so that the farmers can use the fertilizer not on new land but on land that they are now using to restore fertility to the soil and build it up. That is the reason why this amount ought to be restored. It only means that we are putting back half of the cut under the Budget estimate that was made by the committee. I took the trouble to investigate this matter and find out about the possibility of future development, and the importance of restoring this \$150,000 to the bill. I find that they are now working on experiments which may develop a 100-percent fertilizer, 65 percent phosphorus and 35 percent potash, which would be perhaps the greatest thing ever done along that line. It is too early to be sure what can be done; but it is very evident to me that for our children and children's children this work is so valuable and important that to cripple it now would be a flagrant case of being penny-wise and pound-foolish.

The CHAIRMAN. The time of the gentleman from California has expired. Taking the names of gentlemen who asked to be listed to offer an amendment, permitting them to speak 3 minutes under the time allotted, if that is agreed to by the Committee, the Chair will then recognize for 3 minutes each Mr. WIGGLESWORTH, Mr. PEARSON, Mr. MITCHELL of Tennessee, Mr. JENKINS of Ohio, Mr. DIRKSEN, and Mr. TAYLOR of Tennessee. That would leave 4 minutes remaining for the gentleman from Virginia [Mr. WOODRUM]. Otherwise, if the Chair recognizes gentlemen for 5 minutes, some of these gentlemen cannot be recognized within the limitation of time set by the Committee.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. As I understand it, all this debate which the Chairman has mentioned is on the entire section?

The CHAIRMAN. It is, and on amendments which have been sent to the Clerk's desk.

Mr. RANKIN. Why not dispose of the amendment that is being debated now? I move that all debate upon this amendment do now close.

Mr. PEARSON. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. PEARSON. If the amendment now under consideration is adopted, would it preclude me from offering an amendment changing the original amount carried in the bill for this item?

Mr. RANKIN. That would be merely a pro forma amendment.

The CHAIRMAN. In the opinion of the Chair if the Starnes amendment were adopted, the figure would be changed. The gentleman, therefore, should offer his amendment as an amendment to the pending amendment.

Mr. PEARSON. Mr. Chairman, I offer an amendment to the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. PEARSON to the Starnes amendment: On page 45, line 23, after "1939", strike out "\$37,087,000" and insert in lieu thereof "\$38,679,000."

The CHAIRMAN. The Chair assumes that the suggestion of 3 minutes each is agreeable and recognizes the gentleman from Tennessee for 3 minutes.

Mr. PEARSON. Mr. Chairman, I regret very much that it becomes necessary to offer my amendment as an amendment to that offered by the gentleman from Alabama, but in view of the fact that my amendment carries a considerably larger amount than does the Starnes amendment, under the rules I have no alternative. I offer this amendment in all sincerity and earnestness and urge its adoption. I realize that we are in the midst of a wave of economy, and I assure the Members that I have no desire to ask the House to be extravagant in the expenditure of funds, because I agree with others of the committee that we should reduce expenditures as rapidly as possible.

In this amendment, Mr. Chairman, I am asking only for an appropriation to carry on work that has already been authorized by the Congress. During the last session I tried to prevail upon the committee to authorize the construction of a dam at Gilbertsville, Ky., but the committee could not see its way clear so to do, and it was voted down. When the bill went to the Senate the construction of this dam was authorized. This is the first time that the House has been called upon to appropriate for the construction to be carried on at Gilbertsville. The Budget calls for \$2,895,000 to do this work for 1939, but the committee, in its wisdom, reduced the Budget estimate \$2,613,000 and took all of the cut out of the funds which had been allocated for the construction of the dam at Gilbertsville.

I am not asking in this amendment that all of the cut be restored. I am following the testimony of the engineers of the Tennessee Valley Authority before the committee and asking only the restoration of \$1,442,000 plus the \$150,000 which the gentleman from Alabama is requesting in his amendment. According to the testimony of the consulting engineer of the Tennessee Valley Authority, precisely this amount of money will be necessary to carry on the investigating work, the location of roads, camp facilities, and preliminary construction work at Gilbertsville Dam. It leaves out of consideration \$1,771,000 which the Authority asked for actual construction work, and I am not requesting that it be restored. I do, however, ask the committee in all sincerity seriously to consider the adoption of this amendment and permit us to proceed with the construction work which has already been authorized under a prior act of Congress.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. May the Chair inquire, in order to facilitate consideration, if any other Member desires recognition in opposition to this amendment? The Chair suggests that inasmuch as these are the only two amendments which have to do with the amount, that these amendments be disposed of before proceeding to other amendments to be offered.

Mr. JENKINS of Ohio and Mr. DIRKSEN rose.

The CHAIRMAN. The gentleman from Illinois, a member of the committee, is entitled to prior recognition. The Chair recognizes the gentleman from Illinois for 3 minutes.

Mr. DIRKSEN. Mr. Chairman, first, with reference to fertilizer, that decrease was made in the committee at my instance, and for this reason: Serving also on the subcommittee on agricultural appropriations, I know that we appropriated \$260,000 last year for the Bureau of Chemistry and Soils, to include broad research in the field of fertilizer; and \$460,000, as I remember, for the Bureau of Agricultural Engineering which not only does research and experimental work in new farm machinery, but in fertilizer as well. If we are going to have research agencies all over the country, with respect to fertilizer development, and kindred farm developments, we shall have a list of research agencies in this Government as long as one's arm. I sent to the library for information on this subject the other day and they sent me about a dozen typewritten pages of research agencies, all uncoordinated, if you please, and spending millions of dollars. Before we go too far in spending more money on this subject, let us have some regard for the Treasury and see how far afield they are going. I was willing to go along with the chairman of the subcommittee and cut it in half and make it \$150,000. It is not my disposition to curtail essential work and research but it is high time a thorough investigation was made into duplicated efforts.

Now, about Gilbertsville: No construction has begun on the Gilbertsville Dam. The first funds for construction are carried in the 1939 appropriation bill and there is therefore presented to us the question of voting construction funds on this huge project or of first making an investigation of the T. V. A.

The Gilbertsville Dam is to be located 20 miles above Paducah. It contemplates a dam 8,600 feet long and a reservoir lake 185 miles long. There is no harmony in the commission or the board of directors right now. The two Mr. Morgans and Mr. Lilienthal, we are led to believe, are hardly on speaking terms. The President of the United States had to appoint an executive officer for T. V. A., who speaks for the directors of the T. V. A., and that is the simple truth, as was manifest when they appeared before our committee.

In the second place, there is a difference of opinion between the War Department engineers and the T. V. A. engineers with reference to the cost and kind of dams. The War Department engineers have previously stated that four small dams might do. Other engineers come along and recommend one large dam, which will cost \$112,000,000. This is 25 percent of the total appropriation for the T. V. A., and I refer to the over-all ultimate cost. We can, therefore, afford to wait a little while before starting construction of this dam. The estimated date of completion of the dam is 1945—7 or 8 years hence. We can afford to take a year to look into this matter and find out what is wrong down there, and why there is defection and disagreement among the directors of the T. V. A. That is the reason the subcommittee left in the bill \$285,000 for exploratory and preliminary engineering work and cut out the item for construction until we can find out what is going on and whether or not the recommendation of the T. V. A. with respect to one high dam instead of four low dams, as was ascertained by the War Department engineers, ought to prevail. I ask the Members of the Committee to stand by the subcommittee of the Appropriations Committee until we can go into this matter.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I want to take this time to discuss the Gilbertsville Dam. May I ask the gentleman from Illinois [Mr. DIRKSEN] whether or not the Gilbertsville Dam is considered to have any flood-control value or whether it is purely a power proposition?

Mr. DIRKSEN. That is speculative. It is in controversy. You can make a good argument on both sides of the question. That is the reason why we should not be too hasty

about the matter, because once you start the footings you have committed the Government to an expenditure of \$112,000,000 to build the dam.

Mr. JENKINS of Ohio. As I understand it, if this bill passes as the committee has recommended, and if the Committee votes down the amendment offered by the gentleman, then the bill will carry no appropriation for the Gilbertsville Dam?

Mr. DIRKSEN. It will carry an appropriation for experimental and exploratory work but nothing for the construction or the undertaking of construction.

Mr. JENKINS of Ohio. The appropriation for this exploratory work could be used for any place in the T. V. A.?

Mr. DIRKSEN. It is set down for the Gilbertsville area, but they can go out and look around and see whether there are any better sites. This makes no commitment for the construction of the Gilbertsville Dam.

Mr. JENKINS of Ohio. What is the amount?

Mr. DIRKSEN. The amount asked for to start construction was \$2,898,000. The over-all cost will be \$112,000,000, as against \$505,000,000, the total for the T. V. A. So the gentleman will see that is 25 percent of the total expenditure involving 12 dams.

Mr. JENKINS of Ohio. As I understand it now—and I am asking for information—this bill will only provide \$2,000,000 for the Gilbertsville Dam, and this money will be used for exploratory purposes only?

Mr. DIRKSEN. The amount carried in this bill is \$285,000.

Mr. JENKINS of Ohio. What would be the use of having any appropriation at all for the matter of exploration with reference to that dam?

Mr. DIRKSEN. For the simple reason that the question has arisen whether Gilbertsville is the proper site or whether Aurora or some other location should be the site, whether additional work should be done with respect to the substructure, footings, and so forth. In the interim period while they are expending this \$285,000 we can go into the matter a bit more and find out whether they are headed in the right direction and whether or not a high dam ought to prevail as against a low dam, or whether one type or the other is better for flood control.

I have stated over and over again that I am not opposed to a continuation of the T. V. A. project, nor shall I do anything which will hamstring the activities of T. V. A. In 1933 I voted against the original T. V. A. enabling act. That is now water over the dam. Three dams have been completed and four are under construction. This Government is up to its very ears in this project and cannot back out without tremendous losses. We can do but one thing, and that is to proceed with the undertaking in a careful, orderly, and efficient way. But in proceeding with this development we do not have to close our eyes to the fact that T. V. A. needs a real investigation. The finest thing that the genuine friends of T. V. A. could do would be to urge an investigation. In that respect it might be stated that the Senator from Nebraska who is regarded as the father of T. V. A. has joined in this suggestion.

If the T. V. A. directorate is filled with friction, that fact should be fully and freely disclosed and particularly the reason for the friction. If there is something malodorous about an alleged deal on submerged marble in the T. V. A. area, that fact should be brought to the light of day. If we could save our Government a matter of \$50,000,000 or \$60,000,000 on the Gilbertsville Dam, that fact should be established or disestablished before construction begins and not afterward. If, as has been claimed by some engineers, the building of Gilbertsville Dam at the site indicated will actually destroy some of the reservoir capacity of the lower end of the Tennessee Valley and tend to aggravate the flood stages of the Ohio River at Cairo, Ill., and in the area of Paducah, we should know those facts beforehand and not after construction begins. All these considerations, coupled with the fact that the dam could not be completed until

1945, certainly commends the action of the subcommittee to the Members of the House.

One other thing should be mentioned: If one asks the T. V. A. staff for a break-down on costs and what costs are allocated to flood control, what portions to navigation, and what portions to power development, they will say that their studies on this subject have not yet been completed. If you ask them how they can set up a rate structure for electric power if they cannot allocate and apportion costs, they will give you as beautiful an example of unintelligible language to explain their position as ever dropped from the lips of a cloistered philologist. In the parlance of the day, it looks as if Congress has been receiving the "run around," and so it might be well to have a show-down on this matter right now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PEARSON] to the amendment offered by the gentleman from Alabama [Mr. STARNES].

Mr. WOODRUM. Mr. Chairman, I would like to be heard before that question is put.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, may I say, supplementing what my colleague the gentleman from Illinois [Mr. DIRKSEN] just said, that the committee has gone into this matter very carefully. We have put in here funds for a continuation of engineering studies. We believe it would be a major blunder to proceed with the construction of this \$100,000,000 dam when there is internal dissension and disturbance within the Tennessee Valley Authority and when there is a wide difference of opinion as to when, where, or how the dam should be constructed.

Mr. PEARSON. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Tennessee.

Mr. PEARSON. Is it not a fact Mr. Bock, the consulting engineer for the Tennessee Valley Authority, testified emphatically that the site of the dam has been fixed at Gilbertsville?

Mr. WOODRUM. Yes.

Mr. PEARSON. And that that is where the work is going to be done?

Mr. WOODRUM. Yes; Mr. Bock is unequivocal about it, but there is a wide difference of opinion. It certainly cannot hurt to hold it up for 1 year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PEARSON] to the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken; and on a division (demanded by Mr. PEARSON) there were—ayes 17, noes 34.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken; and on a division (demanded by Mr. HOBBS) there were—ayes 45, noes 6.

So the amendment was agreed to.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 45, line 8, after the words "Hiwassee Dam", strike out "and for construction of a dam at or near Gilbertsville, Ky."

Mr. WIGGLESWORTH. Mr. Chairman, this amendment explains itself. Its purpose is merely to make the language of the bill conform to the decision which the Committee has just reached in its wisdom, and in keeping with the recent request of the President to the Congress. The amendment I believe is acceptable to the chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was agreed to.

Mr. MITCHELL of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Tennessee: Page 45, line 11, after the word "River", insert "and dam sites on the Cumberland and Caney Fork Rivers."

Mr. MITCHELL of Tennessee. Mr. Chairman, I hope the chairman of the subcommittee does not oppose this proposed amendment, which does not carry any appropriation or increase the appropriation called for in the bill. The amendment simply seeks to make the provision more specific and call to the attention of the engineers the Cumberland and Caney Fork Rivers in middle Tennessee. The Caney Fork River empties into the Cumberland River, and the Cumberland and Tennessee Rivers are very largely parallel as they cross the State southward.

I hope the subcommittee and its chairman will look with favor upon this proposed amendment, which simply makes the bill more specific and calls to the attention of the engineers the Cumberland and Caney Fork Rivers.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. I am pleased to yield to the gentleman from Kentucky.

Mr. MAY. I dislike extremely to differ with my colleague, but I want to ask him this question: The gentleman's amendment simply adds to the T. V. A. the territory embraced in the Cumberland River. Has the gentleman any estimate from the T. V. A. or has he any outside information as to the number of dam sites which may be selected on that river, and whether it does not involve a larger program than is the case with the Tennessee?

Mr. MITCHELL of Tennessee. The War Department, through its engineers, has heretofore surveyed the Cumberland River and located three prospective dams on the Cumberland and Caney Fork Rivers—one at or near Carthage, Tenn., another in Clay County, Tenn., at what is known as Dale Hollow, and a third possible dam site on the Caney Fork River in De Kalb County, Tenn. I may say for the information of the Committee the development of the Cumberland and Caney Fork Rivers could be very economically perfected under the same authority as the Tennessee Valley development. There is involved really a larger watershed than in the present Tennessee Valley development.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise at this time to make a point of order against the amendment offered by the gentleman from Tennessee [Mr. MITCHELL].

Mr. RANKIN. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late. The gentleman should have made it before there was any debate.

Mr. MAY. I was waiting for the gentleman to have the privilege of debating his amendment before making the point of order. I admit I did not reserve a point of order against the amendment.

Mr. RANKIN. The rule is that the gentleman must reserve a point of order or make it.

The CHAIRMAN. The Chair may state that in the opinion of the Chair it would have been necessary for the gentleman from Kentucky to have reserved the point of order before debate was had upon the amendment. Therefore, the Chair overrules the point of order of the gentleman from Kentucky.

Mr. MAY. Mr. Chairman, I had intended to speak in opposition to the amendment proposing authorization of the Gilbertsville Dam; but since the question on that amendment has been disposed of, I shall speak in opposition to the amendment offered by the gentleman from Tennessee [Mr. MITCHELL] seeking to include the Cumberland River in the territory within the jurisdiction of the Tennessee Valley Authority.

As stated by my colleague the gentleman from Tennessee, the Cumberland River is a larger drainage area than the Tennessee River. The Tennessee Valley Authority has already expended out of the Treasury of the United States \$237,000,000 in the development of the Tennessee River up to the present time. The Authority plans the further development of the Tennessee River to the extent of a total of

\$520,000,000. The testimony before the committee which reported the original bill was to the effect that the program would run possibly 100 years, but this long planning was not disclosed until after the work had been under way for more than 2 years.

My objection to this amendment is that it seeks to widen the already too large scope of activities of the corporation within which this agency may go out and spend other hundreds of millions of dollars, and means the perpetuation of this riotous spending at a time when the Federal Government is not in a position to put up the money. Continued borrowing money to spend is bad practice, especially when the national debt is far above all-time records. Economy and sound policy is more important in Government than in individual affairs.

Mr. SHORT. Mr. Chairman, will the gentleman yield briefly at this point?

Mr. MAY. I yield to the gentleman from Missouri.

Mr. SHORT. May I ask the able chairman of the Committee on Military Affairs if there is not already existing an agency which could carry on this work without this additional appropriation?

Mr. MAY. We not only have existing agencies but we have pending before the Committee on Military Affairs of the House a bill for this particular purpose, submitted by sponsors of the Tennessee Valley Authority. The pending amendment is legislation upon an appropriation bill, although my point of order was made too late. I believe the committee ought to have hearings on this proposition to develop the evidence and find out whether or not this is an area which should be developed. For my warm personal friend, the distinguished gentleman from Tennessee [Mr. MITCHELL] I have such high regard that it is a matter of deep regret that I find it necessary in the interest of the President's efforts to balance the Budget, to oppose his amendment. He is so genial and courteous toward all his colleagues and so constant and faithful in the interests of his constituents, and the people of the entire State of Tennessee, that it makes it difficult for me to oppose anything he would ask, but my objections are to any further new activities of Government until we are out of the woods.

Mr. WOODRUM. Mr. Chairman, I regret very much that the committee and I personally cannot accept the amendment offered by our friend the gentleman from Tennessee. To insert here authority to begin engineering studies or surveys on the Cumberland and Caney Fork Rivers would open up new fields of activity not contemplated by the Tennessee Valley Authority Act and not provided for by the Budget. No funds are carried in this bill for any such activities. Much as we would like, from the standpoint of personal feeling, to accommodate our friend, we believe the matter should properly be presented to the Budget and come to the committee in that form, in order that hearings may be had upon it. I hope very much the Committee will not enlarge these activities. We believe we have done the best we could with what we have, and we do not want to go outside of that.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I say to the gentleman from Virginia that the recommendation of the President for the national planning legislation, which has been called the seven T. V. A.'s bill, contemplates putting the Cumberland River as well as the Tombigbee under the jurisdiction of the Tennessee Valley Authority. The bill to which I refer is pending before the Committee on Rivers and Harbors; and if it is reported out, which it undoubtedly will be, it will undoubtedly pass both Houses, and these two rivers will be placed under the jurisdiction of the Tennessee Valley Authority. Then, if this amendment is adopted, they would have permission to go ahead and make these surveys.

Mr. WOODRUM. We think that ought to come first. The committee feels that authorizing legislation ought to be passed before we are asked to appropriate the money.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. MITCHELL of Tennessee. May I not suggest that, possibly, the engineers would have the right, under the provisions of this bill, to do the very thing that my amendment seeks to accomplish; is not that true?

Mr. WOODRUM. I would not want to commit myself on that. If they do have the authority, then, of course, the amendment is unnecessary. I would not feel like writing an amendment in here that might be construed as specific authority to do this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MITCHELL].

The amendment was rejected.

The Clerk read as follows:

#### HOME OWNERS' LOAN CORPORATION

Not to exceed \$28,000,000 of the funds of the Home Owners' Loan Corporation, established by the Home Owners' Loan Act of 1933 (48 Stat. 128), shall be available during the fiscal year 1939 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; law books, books of reference, and not to exceed \$500 for periodicals and newspapers; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, and Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461-1468).

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 56, line 20, strike out "\$28,000,000" and insert in lieu thereof "\$26,000,000."

Mr. TABER. Mr. Chairman, I have offered this amendment to reduce the amount that may be expended by the Home Owners' Loan Corporation from \$28,000,000 to \$26,000,000.

I propose that the cut be distributed \$1,000,000 on the property management fund where \$5,000,000 is now provided, \$500,000 on the loan-service fund where \$3,000,000 is now provided, and \$500,000 on reconditioning and appraisals where \$3,000,000 is now provided.

I call the attention of the committee to the fact that this organization has disposed of very few of its properties. I have watched the operations of different organizations that have had to take over properties upon foreclosure, and I have observed that unless they get rid of such properties promptly the cost of carrying them and the losses that follow increase tenfold. If we are going to have proper management of this organization we must see to it that they get rid of these properties.

This amendment is offered with the idea of cutting down the ridiculous sums they are spending and reducing the number of properties they are carrying. There is absolutely no sense in the Government carrying properties which are more or less wrecks when we might dispose of them for something. The longer we carry them the worse off the Government is going to be and the worse off the H. O. L. C. is going to be.

If we would adopt this amendment and reduce the amount they can spend for these operations, we would bring about greater efficiency, we would get rid of a great lot of properties that the Government ought not to hold any longer, and

the longer we carry them the more out of date they will become and the more they will cost and the worse off we will be.

I hope the amendment will be adopted.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not a fact that this Corporation has been in process of liquidation since June 12, 1936?

Mr. TABER. The gentleman is correct, and it should have made more progress toward getting rid of these properties.

Mr. WIGGLESWORTH. And I also call the gentleman's attention to the fact that the record indicates no less than 409 local offices in the field with a personnel of about 6,000 in the regional offices alone.

Mr. TABER. Such figures indicate clearly that we ought to adopt this amendment and cut down these figures.

Mr. WOODRUM. Mr. Chairman, the Home Owners' Loan Corporation is in liquidation. They have made no loans for some time, as the gentleman from New York has said, but the record does show they have taken quite a considerable reduction in personnel. Whether they can stand a further reduction of personnel, to be very frank, I do not know. The committee went into it very carefully. There is some doubt in the minds of the committee, but it is a wide organization and reaches into every county in the United States. It is really important to the people, as he says, the constituents of every Member of Congress, that they be there to collect and service these loans, and the committee felt that \$28,000,000 was as little as we could give them, at least until we have more accurate information, bearing in mind the fact that this is not a public charge on the Treasury at this time, and we have good reason to believe that with any kind of a reasonable break, it never will be. This does not figure in the Budget at all. If we should cut off the whole \$28,000,000 it would not affect the Budget.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SAUTHOFF. And there is the further fact that occurs to me that because of unemployment many home owners are not able to meet their payments, and these men have to call on them about refunding their debt and working it out with them in accordance with their earnings.

Mr. WOODRUM. That is true. Not only that, but it would be very unfortunate, as the gentleman suggests, to get rid of this property. I do not think anyone would advocate dumping this property on the market until matters adjust themselves. The committee hopes very much they will be able to have this expense granted until we can get more accurate information next year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. KENNEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 50, beginning in line 9, strike out "Home Owners' Loan Corporation" and all following, down to and including line 2 on page 58.

Mr. KENNEY. Mr. Chairman, I offer this amendment because I believe that the operations of the Home Owners' Loan Corporation as such ought to be discontinued. I feel that it has outlived its usefulness. Whatever activities remain to it ought to be transferred over to the Federal Housing Administration or some other branch of the Government. Twenty-eight million dollars, or even \$26,000,000, is a lot of money to do what the H. O. L. C. is doing. It is not loaning any more money on mortgages. That feature has ended. The personnel of the Corporation does not foreclose on its mortgages. They send them out to independent lawyers in the field to foreclose. The management of the homes taken in foreclosure is given to agents, the renting and selling.

All employees of the H. O. L. C. do not go around to see the Corporation's mortgagors in the sympathetic, courteous, encouraging way that the gentleman from Wisconsin [Mr. SAUTHOFF] suggests. It may be that the Corporation's representatives in his immediate neighborhood are kind and considerate and deal with his people as he would like to have them do, so as to be of assistance to them in their endeavor to meet the demands of the Corporation. In some parts of the country distressed owners with H. O. L. C. mortgages are offered no encouragement, no leniency from some of the H. O. L. C. men who go to see them. Roughly and toughly the home owners are told to go to the H. O. L. C. office and pay up or else. "Bring in the money or we will take the house away from you." No wonder. In the management of the Home Owners' Loan Corporation, capable men, with the right understanding, who were employed there were let out upon the ground that they did not have the proper background, although they had worked for the H. O. L. C. and satisfactorily performed their work of contacting the home owners for 2 and 3 years, and in their places new men were engaged from employment offices—the most hard-boiled men that could be found for the work of dealing with the home owner having a mortgage loan from the Home Owners' Loan Corporation.

The home owner who has a mortgage from the H. O. L. C. is not getting a square deal. He was the man in distress. This Congress undertook to relieve his distress so that he might retain his home. But he is or ought to be the most distressed owner of a mortgaged home. The Home Owners' mortgage man is worse off today than he was under the original mortgage. Look at the amortization he is required to pay. He is supposed to amortize in 15 years, and he has to amortize or lose his home.

That is not just. The H. O. L. C. mortgage home owner is the most burdened of any home owner whose mortgage is insured or guaranteed by the Government. In all fairness we should lift the burden as we sought to do in the beginning. The period of amortization should be extended from 15 to 25 years, and the interest rate should be reduced to forestall foreclosures and the rate should be reduced to 3½ percent.

The Federal Housing Act allows 20 years to amortize the mortgage, and under the recent housing bill amending that act, which we passed and sent to the Senate, the Senate adopted a provision for a 25-year amortization. The smaller the amortization payment the less danger there is of the home owner losing his home. The house will depreciate and there may be little left of it in 25 years. Well, there will be nothing left of the mortgage. The H. O. L. C. mortgage home owner is entitled to all the privileges accorded to owners having other Government insured or guaranteed mortgages. He should have more solicitude. But he is left to pay the pound of flesh.

The Home Owners' Loan Corporation opposes vehemently any extension of the amortization period, albeit it goes out and spends \$40,000 in health insurance for its employees, and after the spirit of the entrenched banker, declines absolutely to consider or recommend a reduction in the interest rate. The gentleman from Virginia [Mr. WOODRUM] has said that the expenditure of the \$40,000 will not cost the Government anything. It will cost the home owners \$40,000, nevertheless, and besides, the additional cost of \$28,000,000 a year will be paid by the home owners; all of which goes to convince me that the mortgage interest rate can properly be reduced and that the amortizing payments can be made easier by extending the amortization period to 25 years. We ought to extend this time and not delay in doing it. We ought to come in here and make up our minds to do that right away. We ought to reduce the interest charge. Millions and millions of dollars in homes have been foreclosed by the H. O. L. C. I feel we ought to do something about it. The quicker we do it, the better; and the best way to do it is to stop this appropriation. Then Congress will have to go to work to put the H. O. L. C. activities into the Federal Housing Administration and give the owner of a H. O. L. C. mortgage home the relief that may otherwise be denied him.

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Mr. EBERHARTER. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of asking a question of the chairman of the subcommittee. I think the subcommittee went into the question of this grant of \$40,000 by the Home Owners' Loan Corporation for this health institute, or whatever it was. I am wondering if the committee formed any opinion as to whether the Congress should take any action in that matter, or whether we are powerless to stop any such action by the Home Owners' Loan Corporation, or any other organization of the Government, or just what we would be able to do. I would appreciate the chairman's advising us what the subcommittee's recommendation or his own recommendation may be with respect to practices of that sort.

Mr. WOODRUM. The subcommittee had no recommendation to make. I think the subcommittee were unanimous, perhaps, in their opinion that the Home Owners' Loan Corporation had no authority to use \$40,000 of their funds for that purpose; but if the gentleman will recall, in the basic act setting up the Home Owners' Loan Corporation they were given the right to use their own funds. They did not even have to come to Congress for authority to use funds for administrative purposes. They were given the right to use their own funds for any purpose which the board of directors decided was in line with the general purpose for which the board was created. This was very broad discretionary power, there is no doubt about it.

The general counsel of the Home Owners' Loan Corporation, a very eminent lawyer and a distinguished conscientious gentleman, came to the conclusion that the implied authority was broad enough to permit the Home Owners' Loan Corporation, when it came to the conclusion that the health and comfort of its own employees was a matter vital to the efficient operation of the Corporation, to contribute \$40,000 to the health association. Personally I think that was a very strained construction, and so said in the hearing, but it has been done. No more funds will be paid to the health association by the Corporation, but the association is a self-perpetuating organization and there is nothing to be done about it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. RICH. Does not the gentleman from Virginia think that the suggestion made by the gentleman from New Jersey to combine the Home Owners' Loan Corporation with the Federal Housing Administration is a good one; that it could easily be done, would save the Government expense, and would do away with one bureau?

Mr. WOODRUM. I do not think you would save one dollar, I may say to the gentleman. Their functions and purposes are as widely different as day and night. You would find that not only would you have the Home Owners' Loan Corporation and the Federal Housing Administration but you would have to set up an intermediary organization to co-ordinate the two activities and would probably wind up by a \$4,000,000 or \$5,000,000 increased expense.

Mr. RICH. Every time anybody suggests anything in the nature of the elimination of a bureau there is no disposition on the part of the House to adopt it. Everything seems to be to continue bureaus instead of to reduce them.

Mr. WOODRUM. The gentleman knows that a reorganization bill is under consideration in the committee. Some of these days we hope to have it up for consideration in the House. Under this bill, we hope to work out the coordination of various agencies and the elimination of others; but the gentleman knows we cannot do it in an appropriation bill.

Mr. RICH. This administration will never reorganize the Government.

Mr. WOODRUM. The gentleman and I, of course, differ on that matter.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word in order to add a word with respect to group health insurance, because at no time in my service in Congress has there been an example that so indicates the necessity for care in drawing legislation as that offered by the Home Owners' Loan Corporation. The original act setting up the Home Owners' Loan Corporation was very, very broad. To effectuate the purposes therein set out, broad grants of authority were given to those who were to administer the Corporation. Speaking of this venture in health insurance, the General Counsel, Mr. Russell, told the committee that the question had been submitted to him as to whether the Director of the Home Owners' Loan Corporation could spend \$40,000 of the Corporation's funds for the purpose of promoting the health of the employees by the establishment of a group health organization. He told the directors that, in his judgment, he thought they could undertake it. I think the chairman of the subcommittee asked:

Do you think you could construct a gymnasium for your employees?

He said he thought they could.

I asked him whether he thought they could run a grocery store under that provision, and he said:

If it will conduce to the carrying out of the objectives of the act, I think the act is broad enough to let them do so.

Under the broad powers implied by the Home Owners' Loan Corporation, it could very well start dental insurance or gymnasiums; it could run a bus line to pick up the employees of the Home Owners' Loan Corporation and bring them down to their offices and take them to their homes at night, if it could be established that it created greater efficiency in carrying out the objectives of the act.

All of this means that we must be very careful how we draw enabling legislation. In this case we were not, and they could spend \$40,000 for the purpose mentioned. The stable door is to be locked afterward.

[Here the gavel fell.]

By unanimous consent, the pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was rejected.

The Clerk read as follows:

#### FEDERAL HOUSING ADMINISTRATION

Not to exceed \$5,000,000 of the mutual mortgage-insurance fund and \$3,500,000 of the funds advanced by the Reconstruction Finance Corporation to the Federal Housing Administration, created under authority of the National Housing Act of June 27, 1934 (48 Stat. 1246), in all, \$8,500,000, shall be available during the fiscal year 1939 for administrative expenses of the administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821-833), but there may be allowed in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle reimbursement for the actual cost of ferry fares and bridge and tunnel tolls, and employees engaged in the inspection of property may be paid an allowance not to exceed 4 cents per mile for all travel performed by motor vehicle in connection with such inspection; printing and binding; law books, books of reference, and not to exceed \$1,500 for periodicals and newspapers; not to exceed \$1,500 for contract actuarial services; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the operation, maintenance, improvement, or disposition of real or personal property of the Administration acquired under authority of title II of said Na-

tional Housing Act, shall be considered as nonadministrative expenses for the purposes hereof, and shall be paid from the mutual mortgage-insurance fund created by said act: *Provided further*, That except for the limitations in amounts hereinbefore specified and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of said act of June 27, 1934, as amended (12 U. S. C. 1701-1723): *Provided further*, That not exceeding \$300,000 of the sum herein authorized shall be expended in the District of Columbia during the fiscal year 1939 for purposes of the Public Relations and Education Division.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 58, line 5, after the words "insurance fund and," strike out "\$3,500,000" and insert in lieu thereof "\$3,350,000."

On page 60, line 3, after the word "exceeding," strike out "\$300,000" and insert in lieu thereof "\$150,000."

Mr. WIGGLESWORTH. Mr. Chairman, this is another amendment offered in an effort to regulate the excessive publicity and propaganda put out by agencies covered by this appropriation bill.

When McDonald, head of the Federal Housing Administration, for whose ability I have a high regard, appeared before your committee a year ago, he had a very large request for his Public Relations and Education Division. If I recall correctly, he stated at that time that in another year he thought the item could be largely discontinued.

Yesterday I pointed to the record of the Federal Housing Administration before your committee this year. I indicated that F. H. A. reported to your committee weekly releases to no less than 800 newspapers; a monthly publication to about 20,000 financial institutions; a clip sheet every 2 weeks to some 1,600 daily and weekly newspapers; many special articles for newspapers and magazines. It also reported 328 network radio broadcasts, representing 82 hours' time over the "big three" chains, 147,339 broadcasts, representing 28,160 hours of time over independent stations, at an estimated commercial value of something like \$7,200,000. It also reported 350,000 motion-picture showings at commercial theaters to an attendance estimated at about 94,000,000, as well as various exhibits at home shows to the number of 869 and at fairs to the number of 1,031. This in a single fiscal year.

The object of my amendment is self-evident. It will reduce the appropriation for these purposes from \$300,000 to \$150,000, which seems to me to be entirely adequate for the needs in this connection.

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in hearty accord with the great interest the gentleman from Massachusetts is taking in trying to cut down unnecessary expenditures for publicity purposes in these agencies. However, in this particular instance I feel the committee has had its hearings, has made its report to the full committee, and the full committee has reported to the House. I would hate to see the House, without further evidence, make another reduction. This agency has used its own funds and we are trying to keep as close watch on them as possible. We are endeavoring to check them from year to year. I hope very much the House will permit the amount to stand that the subcommittee and the full committee reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was rejected.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I desire to ask a question of the gentleman from Virginia [Mr. WOODRUM]. Referring to page 58, lines 16 and 20, I was wondering if there is any necessity for limiting travel allowance to travel by motor vehicle?

Mr. WOODRUM. It is not limited to that. This makes it possible to reimburse wherever they do travel that way.

Mr. PHILLIPS. I was under the impression there is a limitation there.

Mr. WOODRUM. No; the gentleman is mistaken. It merely authorizes payment where they do travel that way.

The pro forma amendment was withdrawn.

The Clerk read as follows:

RECONSTRUCTION FINANCE CORPORATION

Not to exceed \$9,250,000 of the funds of the Reconstruction Finance Corporation, established by the act of January 22, 1932 (47 Stat. 5), shall be available during the fiscal year 1939 for administrative expenses of the Corporation, and of the RFC Mortgage Company, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; law books, books of reference, and not to exceed \$1,000 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange, rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or The RFC Mortgage Company or in which they have an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said act of January 22, 1932, as amended (15 U. S. C. 601-617).

Mr. WOODRUM. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: On page 63, line 20, add a new section as follows:

"Sec. 2. The President is authorized to eliminate or reduce by Executive order, in whole or in part, any appropriation or appropriations made by this act, or any act or joint resolution, whenever, after investigation, he shall find and declare that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby: *Provided*, That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless the Congress shall by law provide for an earlier effective date of such Executive order: *Provided further*, That any appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury, and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section."

Mr. STARNES. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TABER. Will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. TABER. Will the gentleman accept an amendment which would except the Veterans' Bureau appropriation?

Mr. WOODRUM. I may say to the gentleman in explanation of the section that this carries with it the same authority to the President which we previously gave to the President.

Mr. STARNES. Mr. Chairman, I reserved a point of order against the amendment.

Mr. WOODRUM. Mr. Chairman, I make the point of order the gentleman's reservation comes too late. There has been debate on the amendment. The gentleman asked me a question and I am replying to him.

The CHAIRMAN. The Chair may say that the gentleman was on his feet.

Mr. STARNES. I made my reservation before any questions were asked.

Mr. WOODRUM. Mr. Chairman, I would be willing to accept an amendment that there may be no reduction made in the compensation of veterans. This is the same authority the President has under the reorganization plan, where he has the right to reduce appropriations or to veto items in appropriation bills, reporting his action back to Congress. The Congress then may take such action as it desires if it does not agree with the President. This is the authority the President asked for in his Budget message, I may say to my colleague, and it will do more to help the Congress and

help the President try to control the appropriations of the Government than anything we can do in this Congress. I certainly hope my distinguished friend and my colleague on the Committee on Appropriations will not make a point of order against the amendment.

Mr. COCHRAN. The amendment further provides such an order is not effective until 60 calendar days after it is submitted to the Congress.

Mr. WOODRUM. The gentleman is correct. This is the same authority the President has under the reorganization plan. We voted this authority to President Hoover, and we voted it to President Roosevelt.

The gentleman from New York has asked me to accept an amendment which will except veterans, so they will not come under the operation of this amendment, and I am very pleased to do so.

I hope the gentleman from Alabama will permit the amendment to be considered.

Mr. STARNES. I may say to the gentleman from Virginia, whom I respect and love very much as one of the ablest and most sincere Members of the House, that in the fiscal year 1938 the Congress of the United States appropriated \$121,000,000 less than was requested by the President of the United States or the Bureau of the Budget, and that the gentleman and his subcommittee are today bringing out a bill appropriating over \$3,000,000 less than was requested. If economy is to be practiced in the activities of the United States Government I believe it ought to be practiced by the legislative body through its appropriate committee, and that is the Committee on Appropriations.

Mr. WOODRUM. If the gentleman will yield, may I say that of course Congress appropriates less than the Budget estimates on particular items, but that is not where the damage is done, as the gentleman very well knows. Where the Budget is put out of joint and where the President is put in a hole is that items are added to bills when such items have not gone through the Budget and estimates have not been provided therefor, and the President is then put in a position in this or other bills of having to swallow things he does not want or approve items he does not want in order to get an appropriation bill passed.

Mr. STARNES. May I say further to the gentleman from Virginia that last year when his subcommittee came in here with a bill providing an appropriation of a billion dollars for relief it was overridden by pressure from the executive department and \$500,000,000 was added thereto. But for such action the Congress would have balanced the Budget last year.

Mr. WOODRUM. I hope the gentleman will permit this very important part of the authority the President asked for in his Budget message to be granted, and not be the one to make a point of order against the amendment.

Mr. STARNES. Mr. Chairman, God knows I want economy in the Federal Government, but at the same time I want the power to control appropriations to remain vested where the Constitution has vested it—in the Congress itself. I believe we ought to pass upon the wisdom of items of appropriation. If a bill is unsound, it should be vetoed. If it is not unsound, the item should go through.

Mr. Chairman, I am going to insist upon my point of order that this amendment is legislation upon an appropriation bill.

Mr. TABER. Mr. Chairman, I submit the point of order comes too late.

Mr. STARNES. No, Mr. Chairman, I reserved the point of order when the gentleman from Virginia offered the amendment.

The CHAIRMAN. The Chair may state that when the gentleman from Virginia rose to offer the amendment the gentleman from Alabama rose and said, "I reserve a point of order." It is the opinion of the Chair the point of order does not come too late, because as soon as the amendment was offered the gentleman from Alabama stated he reserved the point of order.

Mr. WOODRUM. The gentleman from New York had interrogated me and had asked me to yield, Mr. Chairman.

The CHAIRMAN. Before that, however, the gentleman from Alabama was on his feet and stated he reserved a point of order. The gentleman from Virginia probably was looking the other way.

Mr. WOODRUM. Mr. Chairman, I want to be heard on the point of order if the gentleman from Alabama insists upon it.

Mr. STARNES. I withdraw the point of order, Mr. Chairman.

Mr. WIGGLESWORTH. Mr. Chairman, in view of the statement of the gentleman from Virginia, I offer an amendment to his amendment to except the Veterans' Administration from the provisions of the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH as an amendment to the amendment offered by Mr. WOODRUM: After the word "section", at the end of the proposed amendment, insert the words "Provided further, That this section shall not apply to appropriations made for the Veterans' Administration."

Mr. WOODRUM. Mr. Chairman, I am willing to accept that modification.

The amendment to the amendment was agreed to.

Mr. PHILLIPS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia.

Mr. Chairman, as a freshman Member of this House, who is an admirer of the President and has supported the President, I feel somewhat presumptuous in taking the floor of the House at this time for this purpose, but my conscience will not permit me to sit here and vote again to give power which belongs in this group to any one individual outside it. I respect the President of the United States and respect his requests. I am sorry I cannot agree with him, but for my part I would not care if 10 Presidents asked us to vote away any of our power.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. No; I do not yield at this time.

I am against yielding further one iota of the power vested in us by the authority of the Constitution and included in the rights and privileges which are ours as Members of the House. Therefore I must conscientiously oppose the amendment offered by the gentleman from Virginia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. None of the funds appropriated or authorized by this act, unless otherwise expressly provided herein, shall be obligated or expended except in accordance with the terms and provisions of the Budget and Accounting Act, 1921.

Mr. WIGGLESWORTH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think section 4 is a very important section and one that speaks for itself. However, after consulting with the General Accounting Office, I believe the language ought to be somewhat changed in order to carry out the intent of the committee in this connection.

Therefore, Mr. Chairman, I withdraw the pro forma amendment and offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 65, line 6, strike out all of lines 6 to 9, inclusive, and insert in lieu thereof the following:

"None of the funds made available by this act for administrative expenses of the agencies under the caption 'Emergency agencies' shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the terms and provisions of the Budget and Accounting Act of 1921, as amended."

Mr. WIGGLESWORTH. Mr. Chairman, the amendment speaks for itself. Its purpose is to bring the administrative expenses of the emergency agencies under the same auditing procedure as is now being followed for the regular Departments. It will not affect the expenditures of the general funds of these agencies other than those provided in this bill

for administrative expenses. For example, none of the transactions of the Home Owners' Loan Corporation incident to the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation, or in which it has an interest, are affected by the language of this section. Only the funds provided in this bill for administrative purposes are so affected.

Two years ago the Congress provided in the First Deficiency Appropriation Act, fiscal year 1936, that these emergency agencies should not thereafter incur any obligations for administrative expenses, except pursuant to an annual appropriation specifically therefor. Since that time this bill has included the amounts which these agencies may expend for such administrative expenses. The purpose of that provision was to bring these expenditures under annual legislative review. By the same token, it is believed wise and proper to round out the annual legislative review of these administrative expenses by subjecting them to the auditing review and control of that important agency of the legislative branch, namely, the General Accounting Office.

The only effect of the amendment is to specifically prescribe the procedure which has heretofore always been followed by the General Accounting Office in connection with the expenditures of moneys appropriated for the regular departments. It is believed essential to adopt this substitute so that the intent of the Congress in this matter shall be clear and unmistakable and not subject to construction.

I understand the amendment is satisfactory to the gentleman from Virginia, the chairman of the subcommittee, and I ask its adoption.

Mr. WOODRUM. Mr. Chairman, I believe the amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. FISH moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. FISH. Mr. Chairman, I have offered this amendment for the purpose of going back to the section having to do with the Home Owners' Loan Corporation and the appropriation provided to carry on that work.

I thought this might be a good opportunity to discuss briefly the situation with which we are confronted. As of November 30, the Corporation had on its books 265,932 delinquent accounts.

Thirty percent of these loans are classified as delinquent. Accounts are considered delinquent which are 90 days or more in arrears. The Corporation has authorized the foreclosure of 115,788, or 11.4 percent of the total loans closed by the Corporation. The issue we are confronted with, therefore, is that if this situation continues the Government will become the greatest real-estate owner in the world.

I believe some Member on the Democratic side has offered a bill to reduce the rate of interest on these loans to 3½ percent and to extend the time of the loans to 25 years. I am simply taking these few minutes to say I believe this is the only thing we can do—reduce the rate of interest to 3½ percent and extend the time of the loans to 25 years.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New Jersey.

Mr. KENNEY. I may say that I introduced such a bill.

Mr. FISH. Well, I am proud of you; but what are you doing to get favorable action on it? I believe the gentleman from Pennsylvania, Judge Ellenbogen, likewise introduced such a measure and he has a petition at the Clerk's desk, and if we want a little more representative government of the type we got yesterday on the war referendum we can go up there and sign it. If the Members do not sign and no legislation of this kind is brought before the House the 30 percent now delinquent will soon turn into 50 percent, and we will be owning all these homes and will fail in what we started out to accomplish. I voted for the Home Owners'

Loan Corporation Act. I believed in it then, and I still believe in it.

It was an emergency proposition to help the American home owners, and if we want to do something in this country to promote real Americanism, then we should help safeguard the ownership of American homes. Do not let these homes be taken away from their owners because they cannot pay the 5-percent interest rate and amortization charges in addition. If you want to do something to combat radicalism, socialism, and communism, then try to keep the American people in their own homes.

I have taken these few minutes of time as I saw no other opportunity to discuss this issue.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mrs. ROGERS of Massachusetts. Does it not seem that the Home Owners' Loan Corporation might allow these people to stay in their houses and not force evictions? It can do the Government no good to own these houses or to have these homes empty during the winter months. I think it is a great pity they are to be evicted, and I have written letters to the Home Owners' Loan Corporation to this effect.

Mr. FISH. I will say to the gentlewoman from Massachusetts we have 11,000,000 unemployed in America. We are in a serious depression.

It seems to me that something ought to be done by the Congress to reduce the rate of interest at this session of Congress and extend the time to 25 years. I do not know whether I want to advise it or not, but perhaps also grant a moratorium for 1 year, until the new Congress convenes next January. It is shameful to throw these people out of their homes at the present time in the midst of this depression, when they cannot get any work, through no fault of their own.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. RANDOLPH. I am certain that what the gentleman says about the condition of these people is true. In my own district from personal observation and knowledge of the families asking help, it comes from those who are not trying to escape payment, but who are only asking for leniency and the lengthening of the time because they themselves are hardworking American citizens, who will meet their obligations if possible.

Mr. FISH. I am very glad to hear the gentleman say that. I deplore the fact that the Congress is not doing anything about it. We on our side cannot do anything except speak about it, but we are willing to go along with the Democratic leadership if they will only take steps to alleviate the situation. I have also introduced legislation but realize that a Republican sponsored bill gets little attention.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MURDOCK of Arizona. I am in sympathy with what the gentleman says. I have cases in my own State along that line. Has the gentleman any suggestion whereby, without being too harsh, the Government's interest in such property can be safeguarded?

Mr. FISH. The gentleman from Pennsylvania [Mr. Ellenbogen] has a bill which he cannot get out of committee. It is at the Clerk's desk for signatures of Members. It reduces the rate of interest from 5 percent to 3½ percent. The Government can get this money for under 3 percent or at 3 percent, and yet we are charging 5 percent. This will reduce the interest rate to 3½ percent and extend the time for amortization from 15 to 25 years. I submit that is fair. The Government does not lose 1 cent, and why not agree to it? Members can go up and sign it, but I would rather that they would ask their leaders to have the bill reported out immediately. I predict such a measure would pass by an overwhelming, if not unanimous, vote.

Mrs. ROGERS of Massachusetts. Is it not true that the Government can borrow the money at less than 1 percent?

Mr. FISH. Probably not, but at least at 2¾ percent or not more than 3 percent. Time is of the essence, and it is of the utmost importance that some legislation be passed immediately to relieve the situation and make it possible, at least during the winter months, for these home owners to maintain and live in their own homes. Foreclosures and evictions by the Federal Government are not only not desirable but actually cruel during the winter months and in the business depression for which they are not responsible. Those who are responsible, such as this administration, should be the first to offer adequate relief in the emergency.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the motion of the gentleman from New York that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The question was taken and the motion was rejected.

Mr. STARNES. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STARNES: Page 65, after line 5, insert a new paragraph as follows:

"Sec. 5. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States or of any agency, the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States, unless such person is a citizen of the United States."

Mr. WOODRUM. Mr. Chairman, I have no objection to that amendment.

Mr. STARNES. Mr. Chairman and members of the Committee, during the first session of the Seventy-fifth Congress the House passed without a dissenting vote my bill (H. R. 3423) which would have given preferred employment to American citizens by all the various establishments of the Government, permanent and temporary. This bill is now slumbering in the Senate Committee on Education and Labor. In order to protect the integrity of the National Budget and to give preferred employment to American citizens I have offered this amendment which contains a prohibition against paying any compensation to any officer or employee of the Government of the United States out of the appropriation contained in this act which provides for the expenditure of approximately one and a half billion dollars or approximately 20 percent of the National Budget, unless such officer or employee is a citizen of the United States. The limitation does not apply to officers and employees outside continental United States.

At a time when millions of American citizens are unemployed and unemployment is increasing daily it is high time we weed out of our governmental agencies every employee who is not a citizen of the United States. When American taxpayers are taxed for the support of our regular governmental agencies and institutions certainly American citizens should be employed to administer these agencies and to receive the compensation raised by such taxes. Unquestionably hundreds of millions of dollars have been spent in the past 5 years in giving employment to people who were not American citizens even though we had millions of American citizens out of employment. This practice must stop. I urge the adoption of my amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R.

8837, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a special vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith with the following amendment: On page 45, line 23, after the figures "1939", strike out the sum "\$37,237,000" and insert in lieu thereof "\$36,159,000."

Mr. WOODRUM. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that the Clerk may have permission to correct the totals and section numbers.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and to include therein one table from the hearings.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### THE PENNSYLVANIA DELEGATION

Mr. GRAY of Pennsylvania. Mr. Speaker, in the February issue of the American Magazine in an article entitled "Keystone Joe," written by one John Janney, there appears this statement, which has no doubt interested the membership of this House:

He controls a solid block of 27 Pennsylvania Democrats in the House of Representatives, and knows how to use them when he needs them.

Mr. Speaker, I do not know what the estimation of the House is of the Pennsylvania Democratic delegation here, but I do not believe it is so low as is indicated in that statement.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the distinguished gentleman from New York City.

Mr. O'CONNOR of New York. Who is this "Keystone Joe," or whatever he is called in that article?

Mr. GRAY of Pennsylvania. "Keystone Joe," I take it, because the article says so, and here is a picture, is Senator GUFFEY, of Pennsylvania.

Mr. O'CONNOR of New York. Is he in the Senate still?

Mr. GRAY of Pennsylvania. He is still in the Senate, I understand. Here is a publication that claims a circulation running into the millions, going into hundreds of thousands of homes, onto the newsstands throughout the entire country, on railroad trains, on steamships sailing the seven seas, carrying an article in which the 27 Members of the Pennsylvania Democratic delegation in this body are held up to obloquy and public scorn.

It might not be so bad to charge our delegation, individually or collectively, with murder or treason, or other high crimes and misdemeanors, or stealing candy from a baby, or sneaking women's handkerchiefs; but to charge us with the scullion knavery of legislative servility to Senator GUFFEY—to allege baldly that he uses us when he needs us, for any purpose, at any time, and to any ends—that, sir, is adding infamy to injury, and heaping insult upon indignity.

For myself—I cannot speak for other Members of the delegation—I denounce that statement as utterly false and condemn it in its entirety. It is probably intended to, and actually does, bring every one of the Democratic Congressmen from Pennsylvania into public ridicule and contempt. There is, and there can be, only one inference, and that is that every Pennsylvania Democratic Congressman acts and votes, not in accordance with his oath of office or the Constitution, or the moral sentiment of the people in his district and in the country at large, or according to the honest convictions of his soul, but that his decisions, his acts, his votes, are controlled and directed by Senator GUFFEY.

Mr. STACK. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. Certainly I will yield to my distinguished and honorable colleague from Philadelphia.

Mr. STACK. Speaking for myself, I concur in the views of my Democratic colleague from Pennsylvania. I may say that neither JOE GUFFEY nor anybody else controls me here in this House. Only the people in my district control me. [Applause.]

Mr. GRAY of Pennsylvania. I felt sure that was the attitude of my friend from Philadelphia, and I hope it is the attitude of other Members in this House from Pennsylvania.

Mr. Speaker, I shall demand a retraction of this slanderous statement from the publishing company that produces this magazine. If a full and complete retraction is not immediately forthcoming, I expect to invoke my legal rights in order to get a vindication of my legislative integrity. [Applause.]

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to revise and extend his remarks.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD by including therein an article by my colleague the gentleman from Connecticut [Mr. CITRON] on flood control in New England.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### AN ADDRESS TO THE AMERICAN PEOPLE

Mr. CHURCH. Mr. Speaker, if there is one indictment which can be preferred against this so-called New Deal, it is that it has persisted in fostering among a free, friendly, and otherwise united people a spirit of hate, bitterness, intolerance, bigotry, and class consciousness. I do not believe our country has ever experienced a period in which there has been such widespread appeal to prejudices on the part of the Federal Government officials. Nor do I believe there has ever been such deliberate and inexcusable efforts on the part of the high officials of this administration to turn honest differences of opinion into bitter issues and to kindle the fires of hatred.

The United States is not composed of over 130,000,000 people sharply divided into classes with conscious differences which cannot be reconciled. The strength of our country as a democracy has always been the absence of defined classes with irreconcilable differences and clashing interests. The absence of class consciousness and class hatreds has enabled this country to continue forward while other nations suffer with revolutions.

For the sake of convenience we speak of the farmer as one group, the industrialists as another, the employee, the employer, the wage earner, the manager, and so forth. But, as fair-minded people, we do not think of them as distinct classes in the social order with interests altogether different from another group. We recognize certain differences of opinion between groups and constant need of adjustments, that all may enjoy an equitable share in the product of their labors and equal opportunity. At the same time, we should not fail to recognize that the welfare of one is intimately bound up with the welfare of the other.

It is to that thought that I take this occasion to appeal to the Members of this body and to our people that we rededicate ourselves. If we are to solve the problems now facing us, we will have to rededicate ourselves to the unity of spirit and ideals that have made America. It is for us to foster the spirit of unity, that we are one people. The spirit of Americanism transcends any political controversy.

In this spirit I wish, with all the emphasis I can command, to call attention to the remarks of Senator BAILEY on December 20, at which time he read to that body the document entitled "Address to the American People." To be sure, I have not been in agreement with Senator BAILEY in his views on various specific measures which have come before the Congress. But that is a matter of small consequence compared to the task before us.

As the record shows, this document was written by a number of Democratic Senators and Republican Senators in an honest effort to lay a basis for cooperation toward a program which will give the American people a real economic recovery and correction of abuses. For 5 years under the new dealers, who has usurped control of the Democratic Party, we have had name calling, blaming of each other, disunity, and continued experiments in a search for some magic formula. As evidenced by the 1937 business recession, we are practically back where we started.

Mr. Speaker, I hope we can have an end of these name-calling practices and distortion of facts. I hope we can have an end of this blaming someone else for administration mistakes. I hope we can have cooperation and unity. I hope that business will be given encouragement rather than have continued attacks made upon it, and I hope that business will respond to the encouragement.

Mr. Speaker, the Address to the American People represents the proper approach to our problems. It lays the basis for a sound program in lieu of this nonsense of the new dealers. I appeal to all of you, Republicans and true Democrats, as well as to my people, to give it earnest consideration. It points the way to the traditional American method of meeting emergencies and going forward to still greater progress, greater prosperity, and greater happiness of all the people in all walks of life. [Applause.]

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADLEY. Mr. Speaker, I have not read the article referred to by the gentleman from Pennsylvania [Mr. GRAY], but may I say that the Senator from Pennsylvania has never made any pretense of controlling the consciences or the votes of the Members of Congress from Pennsylvania. It is not necessary for any Member of this House representing the State of Pennsylvania to answer an article of that type.

#### EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at the point where I offered my last amendment.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KENNEY asked and was given permission to extend his own remarks in the RECORD.

#### ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5871. An act for the relief of Ralph B. Sessoms.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 5871. An act for the relief of Ralph B. Sessoms.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 12, 1938, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, January 12, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

There will be a meeting of Mr. CROSSER's subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Friday, January 14, 1938. Business to be considered: Continuation of hearing on House Joint Resolution 389, Withdraw resolution.

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Wednesday, January 12, 1938, at 10:30 a. m.

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 12, 1938, for the public consideration of H. R. 8711 and H. R. 7369.

##### COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RANDOLPH's Subcommittee on Public Utilities of the Committee on the District of Columbia will meet Thursday, January 13, 1938, at 10 a. m., in room 362 (caucus room), House Office Building. Business to be considered: H. R. 6811, streetcar capacity; H. R. 6862, maximum-fare investigation.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

982. A letter from the Acting Chairman, Federal Power Commission, transmitting the Seventeenth Annual Report of the Federal Power Commission, for the fiscal year ended June 30, 1937, with additional activities to December 30, 1937; to the Committee on Interstate and Foreign Commerce.

983. A letter from the Attorney General, transmitting copy of a proposed bill to amend the Federal Corrupt Practices Act; to the Committee on the Judiciary.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8660) for the relief of Ray Woolven, and the same was referred to the Committee on Naval Affairs.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 8905) to repeal paragraph (1) of subsection (b) of section 43 of title III of the act of May 12, 1933 (Agricultural Adjustment Act, 48 Stat. 52); to the Committee on Agriculture.

By Mr. BLAND: A bill (H. R. 8906) to amend section 4311 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYKIN: A bill (H. R. 8907) to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to deputy marshals of the United States; to the Committee on the Civil Service.

By Mr. DICKSTEIN (by request): A bill (H. R. 8908) to provide for uniform regulation of marriage and divorce; to the Committee on the Judiciary.

By Mr. DOCKWEILER: A bill (H. R. 8909) to amend the Merchant Marine Act of 1936, to further promote the merchant marine policy therein declared, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORAND: A bill (H. R. 8910) to restore the grade of certain clerks reduced as a result of the Terminal Reclassification Act; to the Committee on the Post Office and Post Roads.

By Mr. HOFFMAN: A bill (H. R. 8911) to amend the National Labor Relations Act; to the Committee on Labor.

By Mr. WILCOX: A bill (H. R. 8912) to extend the provisions of the act of June 3, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities"; to the Committee on the Public Lands.

By Mr. PACE: A bill (H. R. 8913) to amend the paragraph entitled "Price adjustment payment to cotton producers" in title I of the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public, No. 354, 75th Cong.); to the Committee on Agriculture.

By Mr. LUECKE of Michigan: A bill (H. R. 8914) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BARTON: A bill (H. R. 8915) to abolish the Commodity Credit Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. DICKSTEIN (by request): Joint resolution (H. J. Res. 558) proposing an amendment to the Constitution of the United States relative to marriage and divorce laws; to the Committee on the Judiciary.

By Mr. DEMPSEY: Joint resolution (H. J. Res. 559) authorizing the President to issue a proclamation with respect to commemoration of the four hundredth anniversary of the journey and explorations of Coronado in western America; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 8916) for the relief of N. W. Ludowese; to the Committee on Claims.

Also, a bill (H. R. 8917) granting a pension to Anna C. Brock; to the Committee on Pensions.

By Mr. DORSEY: A bill (H. R. 8918) for the relief of William H. Verity; to the Committee on Military Affairs.

By Mr. ECKERT: A bill (H. R. 8919) granting an increase of pension to Martha E. Hodil; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 8920) for the relief of James A. Mills; to the Committee on Claims.

Also, a bill (H. R. 8921) granting a pension to Sherman Lee Rhea; to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 8922) for the relief of E. E. Johnson; to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 8923) granting an increase of pension to Emily R. Dusenbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8924) granting an increase of pension to Mary E. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting a pension to Lena Agnes Michaels; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8926) granting an increase of pension to Mary E. Ward; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3765. By Mr. KENNEY: Petition of Edward Parkyn Post, No. 48, American Legion, favoring the passage of the universal service bill; to the Committee on Military Affairs.

3766. Also, petition of the South Jersey Industrial Council, favoring the Schwellenbach-Allen resolution; to the Committee on Ways and Means.

## SENATE

WEDNESDAY, JANUARY 12, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, January 11, 1938, was dispensed with, and the Journal was approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

## CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|              |                 |                |               |
|--------------|-----------------|----------------|---------------|
| Adams        | Connally        | Johnson, Colo. | Pittman       |
| Andrews      | Copeland        | King           | Pope          |
| Ashurst      | Davis           | La Follette    | Radcliffe     |
| Austin       | Dieterich       | Lewis          | Reynolds      |
| Bailey       | Donahay         | Lodge          | Russell       |
| Bankhead     | Duffy           | Logan          | Schwartz      |
| Barkley      | Ellender        | Loneragan      | Schwellenbach |
| Berry        | Frazier         | Lundeen        | Sheppard      |
| Bilbo        | George          | McAdoo         | Shipstead     |
| Bone         | Gerry           | McCarran       | Smathers      |
| Borah        | Gibson          | McGill         | Smith         |
| Bridges      | Gillette        | McKellar       | Steiwer       |
| Brown, Mich. | Glass           | McNary         | Thomas, Okla. |
| Brown, N. H. | Guffey          | Maloney        | Thomas, Utah  |
| Bulkeley     | Hale            | Miller         | Townsend      |
| Bulow        | Harrison        | Minton         | Truman        |
| Burke        | Hatch           | Moore          | Tydings       |
| Byrd         | Hayden          | Murray         | Vandenberg    |
| Byrnes       | Herring         | Neely          | Van Nuys      |
| Capper       | Hill            | Norris         | Walsh         |
| Caraway      | Hitchcock       | Nye            | Wheeler       |
| Chavez       | Holt            | Overton        |               |
| Clark        | Johnson, Calif. | Pepper         |               |

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Oklahoma [Mr. LEE] and the Senator from Wyoming [Mr. O'MAHONEY] are detained on important public business.